

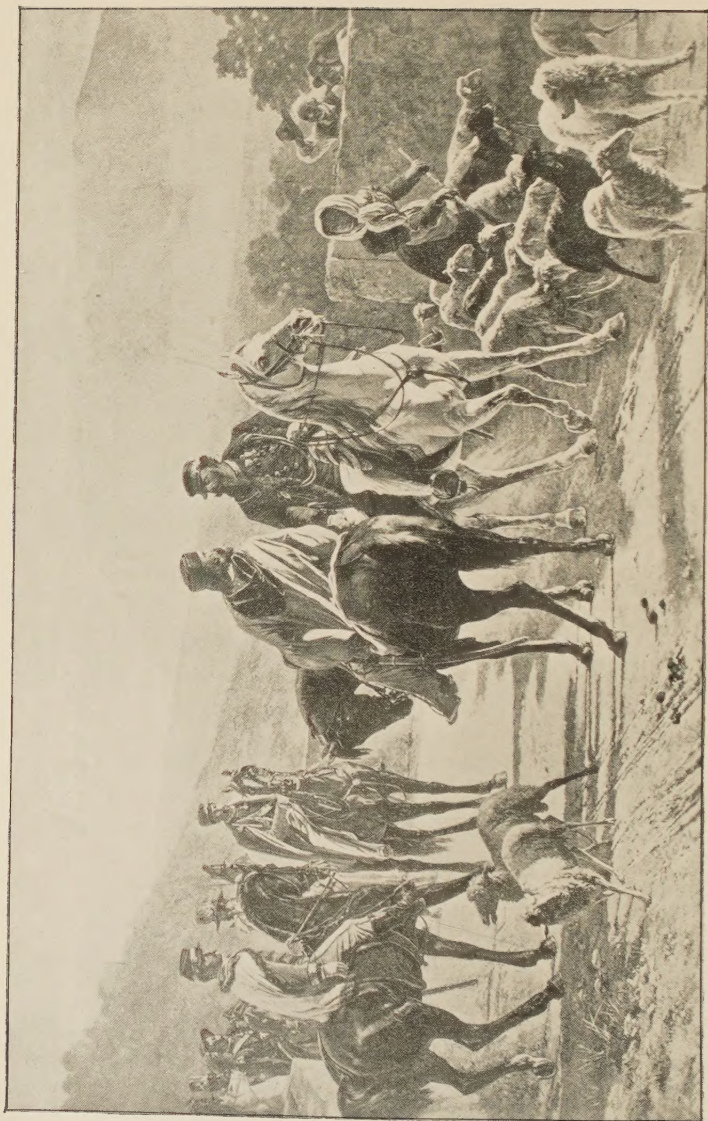




GOVERNMENTS OF THE WORLD
OF TO-DAY



Digitized by the Internet Archive
in 2024



MEETING OF GARIBALDI AND VICTOR EMMANUEL
From the painting by C. Ademallo

HOME STUDY CIRCLE LIBRARY

EDITED BY

SEYMOUR EATON

GOVERNMENTS
OF THE
WORLD OF TO-DAY

UNITED STATES	GREAT BRITAIN	FRANCE
GERMAN EMPIRE	AUSTRIA-HUNGARY	ITALY
RUSSIA	SWITZERLAND	TURKEY
CANADA	INDIA	JAPAN

THE MINNEAPOLIS JOURNAL EDITION

NEW YORK
THE DOUBLEDAY & McCLURE CO.

1900

COPYRIGHT, 1897, 1898, 1899, BY THE CHICAGO RECORD.
COPYRIGHT, 1900, BY VICTOR F. LAWSON.

Norwood Press:
Berwick & Smith, Norwood, Mass., U.S.A.

INTRODUCTION

The comparative study of government and politics has made very notable progress within the past few years. It is to be remarked that much of this progress is due to the plan of studying the actual working of governmental institutions as well as their legal theories and their written laws and constitutions. Old classifications are no longer regarded as of essential importance. In earlier days one was accustomed to find a sharp contrast drawn between republics and monarchies; yet nowadays it is admitted that there is greater resemblance between the institutions of monarchical England and those of the American republic than between the institutions of republican France and republican America.

The great events which have shaped modern governments might well be said to be, first, the destructive work of the French revolution, in which the modern point of view triumphed over the mediæval, and, second, the constructive work of the men who created the great American republic. The most stable and most truly influential force in modern government has been the example of the American republic through the nineteenth century. All European governments have been profoundly affected by the principles which have operated successfully on our side of the Atlantic. We in this country ought to have no misgivings about the fundamental value of our own institutions. On the other hand, we should be very slow

to condemn utterly the governmental system of other countries.

ACTION OF PUBLIC OPINION

It is essential to allow plenty of time for the normal development of political reforms. What we may term public opinion is the chief ruling force nowadays in all civilized countries. Public opinion owes its effectiveness to the spread of education and to the improvement of means of communication. The modern newspaper, by simple virtue of the fact that it is the servant and organ of public opinion, affects in a powerful way the methods and the principles of government.

All forms of government in civilized lands nowadays profess to exist for the service and benefit of the nation at large. This is precisely as true of the Russian government as of the Swiss. In Switzerland, for example, the great governmental step of the past few months has been the decision to make the railroads a public property and operate them directly as a governmental system. In Russia, on the other hand, the great policy of the past year has been the construction of governmental railroads to be operated for the development of Russian resources and commerce in the interest of the people.

These railroad policies of Switzerland and Russia have been determined upon by governmental methods as opposite as possible. In Russia the czar, influenced by his great ministers of state and his chief advisers, decides policies for himself. In Switzerland such questions are referred to direct vote of the people. It must be remembered, however, that the strength of the czar's government is due to the fact that it aims in all great matters to further the general interest of the nation and to carry with it the general approval of the educated and responsible classes.

The great thing to make sure of is the opportunity for public opinion to grow in a healthy way. To that end there ought to be encouragement for the freedom of reputable journalism and of public meetings and discussion. If such a thing were possible as choosing between universal suffrage on the one hand and what we will call the right of a free press, a free platform and free speech on the other hand, it would probably be better for a nation to let suffrage go to the winds and stick to free press and free speech. That is to say, a soundly educated people, who are not restricted in the respectful expression of their views about the conduct of public affairs, will almost certainly have a government responsive to the real weight of the opinion of the community.

Thus, when one analyzes the modern forces of government thoroughly and truly, he is likely to find that the newspaper, the cheap postal service, the telegraph and the freedom of association and public speech are quite as potent factors in the actual government of nations to-day as are balloting and representation in legislatures or parliaments. China is going to pieces, apparently, for lack of any inherent public opinion. The only thing that can save China would seem to be the development of railroads, telegraph lines and the agencies of intercommunication which alone make it possible for the nation as a whole to support firm central institutions.

MODERN MONARCHIES

Fifty years ago there was a great movement in the direction of democracy that swept across Europe and made numerous revolutions. The high hopes of those days have not been very generally realized in so far as external forms are concerned. I have no sympathy whatever with monarchical institutions and am absolutely skeptical as to

those merits which certain very modern writers, even some Americans, profess to find in them. Nevertheless, it is only fair to admit that the spirit of monarchy in general has undergone a great change. In the mediæval view the people served the monarch. At the end of the nineteenth century no one justifies monarchy except on the theory that the monarch serves the people and that the existence of the throne, though more or less expensive, is a steadying sort of affair, with a demonstrated usefulness, especially in foreign relations.

MILITARISM

One of the things to consider in the study of modern governments is the extent to which the state is a military organism. In France the army has come to be the first consideration. Militarism has almost bankrupted Italy. The people of Germany and Russia have vast commercial and industrial ambitions and they would gladly be rid of the great sacrifices to which their armaments subject them. But, meanwhile, they are evidently determined to use their military strength and prestige to gain such advantages as they can for their commercial future. The British government, in its foreign policy, exists for the principal purpose of the maintenance and extension of British trade and to that end its primary function may be regarded as that of keeping up the strength of the British navy.

NEW FUNCTIONS OF GOVERNMENT

When one takes up the domestic work of modern governments it is evident that there is an increasing tendency to look upon government as a great co-operative agency for the promotion of the common welfare. Looking back through the century it would hardly be extravagant to say that the collection of taxes for the relief of pauper-

ism has been the chief domestic function of government in England. Popular education and sanitary progress have also become leading features of British governmental work.

The great objects of advanced statesmanship in the coming century, as respects all the great governments of the world, may be summed up in two general propositions: 1. Such improvement of the relationships of nations with one another as to remove the probability of war and relieve the people from the burdens of militarism. 2. The development of domestic policies for the improvement of industrial conditions and the promotion along economic lines of the general welfare.

Whatever may be the modifications in the external forms of government the objects and aims of government in the chief nations of the world will inevitably tend to become more and more similar. The pervasive influence of modern thought, which knows no political boundary lines, will certainly create in every country a body of public opinion that cannot be disregarded by the governing class. In the business of government, as in every other phase of life and activity, modern science is certain to prevail. Political economists carry on their studies and investigations under all forms of government, and what they have to say about principles and methods of taxation, for example, must sooner or later be considered by czars and emperors just as certainly as by the elected officials of republican countries.

MODERN ADMINISTRATION

The growth of the functions of modern government has given a great importance to the work of administration, so called. A larger and ever larger percentage of the citizens of every country will be found employed in

the various departments of public work carried on by national, provincial or local governments; and the principles upon which administrative work can be successfully carried out are very much the same whether the nation be governed as a republic, as a constitutional monarchy or as an autocracy. Thus in the actual ordinary work of carrying on governmental business in France it has not seemed to make any great difference in the past century whether at the head of affairs was to be found a constitutional monarch like Louis Philippe, an emperor like Napoleon III. or a republican president, as under the existing regime. The administrative work of France is done upon a system which, with various modifications, has existed since the time of the first Napoleon.

Some years ago, when one thought of comparing systems of government, almost no attention was paid to administration organization and still less attention to local and municipal government. More recent students, however, look upon the organization and management of the government of localities and of cities as of no less importance to the people actually concerned than the organization and management of national government. To the people of many a town in the United States the annexation of some suburb is of more direct consequence than the question whether or not the United States shall annex the Philippines.

If one were to judge of government in Germany solely by noting the methods and policy of the active and eccentric Emperor William, with the very oppressive treatment of the press as respects all criticism upon the emperor's sayings and doings, one would have a very limited view of what is really going on. Germany certainly needs some reforms in the imperial management of affairs; but when one studies the remarkable progress of municipal govern-

ment in Hamburg, Berlin, Stuttgart, Leipzig and many another German town it is easy to see that the governmental life of the German nation is by no means summed up in the performances of the young emperor.

ADVANTAGES OF COMPARATIVE STUDY

There are no nations, so far as my observation has extended, which might not learn a great deal that would be useful from some branch or other of governmental or administrative work in every other civilized country. The United States has certainly occupied the most advanced position, all things considered; but intelligence, progress and civic virtue are by no means confined to this country, and the very essential condition of our further progress is the willingness to learn from all sources. Certainly we have much to learn about colonial government just now. When one travels abroad with an interest in the working of public institutions it is no weakness, but rather a virtue, to endeavor to find out in what respects each country visited is accomplishing results that are successful and praiseworthy. Even in much-reprobated Turkey one may find some governmental institutions to admire. In Canada, Switzerland, Great Britain, Germany and France the number of things to note as indicative of the trend of modern progress is very great indeed. The strength of sound government everywhere must always lie in the right kind of average citizenship; and if high standards of intelligence and conduct prevail we need not fear for the favorable evolution of the forms and methods of government.

ALBERT SHAW.

CONTENTS

	PAGE
INTRODUCTION,	vii
UNITED STATES,	I
I. INTRODUCTORY SURVEY,	3
II. THE NATIONAL CONGRESS,	14
III. THE PRESIDENT,	34
IV. THE PRESIDENT'S CABINET,	53
V. THE CIVIL SERVICE,	62
VI. THE FEDERAL COURTS,	71
VII. THE GOVERNMENT OF A STATE,	80
VIII. MUNICIPAL GOVERNMENT,	87
GREAT BRITAIN,	95
FRANCE,	125
GERMAN EMPIRE,	145
AUSTRIA-HUNGARY,	163
ITALY,	179
RUSSIA,	191
SWITZERLAND,	209
TURKEY,	223
CANADA,	235
INDIA,	249
JAPAN,	259
REFERENCES FOR SUPPLEMENTARY READING,	269
SUGGESTIVE QUESTIONS FOR STUDENTS,	277
INDEX,	285

LIST OF ILLUSTRATIONS

Meeting of Garibaldi and Victor Emmanuel.....	Frontispiece	
	PAGE	
The Birthplace of the Constitution.....	5	
Functions of National, State and Local Governments.....	8	
United States Capitol.....	facing 14	
United States Senate Chamber.....	18	
The Hon. Thomas B. Reed (Former Speaker of the House).	21	
The Course of a Bill.....	25	
United States House of Representatives.....	28	
Popular Vote for President, 1856-1896.....	41	
Electoral Vote for President, 1856-1896.....	43	
The White House.....	45	
The Cabinet Room.....	54	
State, War and Navy Buildings, Washington.....	facing 58	
Andrew Jackson.....	facing 66	
George William Curtis.....	69	
Chief Justice Fuller.....	73	
Diagram Indicating the Totality of Governmental Powers....	81	
James II.....	facing 100	
The House of Commons in Walpole's Administration.....	102	
William Pitt.....	105	
Sir Robert Walpole.....	109	
Somerset House,	}facing 110
Throne Room, Windsor,		
Lord Salisbury, Premier of Great Britain.....	113	

	PAGE
Parliament Buildings, Westminster.....	116
Houses of Parliament.....	facing 118
Her Majesty, the Queen.....	120
The House of Lords.....	123
President Loubet.....	facing 128
The Chamber of Deputies.....	131
Luxembourg Palace (Residence of the President of France) .	134
Interior of the Chamber of Deputies.....	137
Senate Chamber, Luxembourg Palace, } Palais de Justice, }	facing 142
William II, of Germany, } Prince von Hohenlohe, }	facing 148
Reichstag Building, Berlin, }	
The Reichstag Building.....	151
Prince Bismarck.....	157
Imperial Palace, Berlin.....	160
Imperial Parliament Buildings, Vienna, } Reichsrath, Vienna, }	facing 167
Louis Kossuth.....	facing 170
Emperor Francis Joseph.....	177
Victor Emmanuel.....	facing 182
Humbert, King of Italy.....	183
Garibaldi.....	facing 184
Cavour.....	facing 186
St. Peter's and the Vatican, Rome.....	facing 188
Nicholas II of Russia.....	195
Peter the Great.....	facing 198
Winter Palace at St. Petersburg.....	199
A Metropolitan of the Greek Church.....	201
The Throne of Russia.....	203

PAGE

Alexander II of Russia.....	facing 204
Alexander III of Russia.....	facing 206
Edward Mueller, President of Switzerland.....	214
Federal Buildings, Berne.....	facing 216
Sultan of Turkey.....	227
Mosque of Sancta Sophia.....	facing 230
Sultan's Palace, Constantinople.....	233
Sir Wilfrid Laurier, Premier of Canada.....	239
Canadian Houses of Parliament.....	facing 243
Lord Curzon, Viceroy of India.....	251
Government House, Calcutta.....	255
Mutsuhito, Emperor of Japan.....	facing 262
Japanese Houses of Parliament, } Emperor's Palace, Tokio, }	facing 265

CONTRIBUTORS

ALBERT SHAW, Ph. D.

Editor of the "American Monthly Review of Reviews"

JEREMIAH W. JENKS, A. M., Ph. D.

Professor of Political Science, Cornell University

JESSE MACY, LL. D.

Professor of Constitutional History, Iowa College

FREDERIC W. SPEIRS, Ph. D.

(Philadelphia)

J. ROY PERRY, M. A.

Lecturer on Constitutional Law, University of Toronto

WILLIAM W. FOLWELL, LL. D.

Professor of Political Science, University of Minnesota

J. A. WOODBURN, Ph. D.

Professor of Political Science, Indiana University

HOWARD W. CALDWELL, A. M.

Professor of American History and Civics, University of Nebraska

PREFACE

THE several chapters which compose this book have been written by eminent political scientists with the purpose of presenting in popular form the essential principles and the practical working of the governments of the great nations of the world. More than one-third of the book has been devoted to a comprehensive survey of the government of the United States. The remainder of the volume presents to the reader a brief but clear account of the governmental systems of the great foreign nations in which Americans have the largest interest. The parliamentary system of Great Britain, the republican institutions of France, the federal empire of Germany, the dual monarchy of Austria-Hungary, the institutions of united Italy, the autocracy of Russia, the notable democracy of little Switzerland, the Asiatic despotism of Turkey, the great British colonial governments of Canada and India, and finally the new parliamentary system of the most important Oriental nation, Japan, are successively presented. Thus all types of government from the pure democracy of Switzerland to the autocracy of Russia and Turkey are discussed. This review of the governments of the world will enable the American reader to follow with more intelligent interest the political events abroad.

The reader will note that in the treatment of foreign governments constant comparisons are made with our own system. The primary purpose of this comparative study is to promote a fuller knowledge of our own governmental institutions by throwing upon them the light of likeness and contrast.

THE UNITED STATES

THE UNITED STATES

I. INTRODUCTORY SURVEY

A DUAL GOVERNMENT

We Americans live under the most complex of all forms of government—that of a federal republic. We are citizens of a sovereign nation and also of a sovereign state. Our system of government apparently defies the biblical rule that no man can serve two masters. “There are two loyalties, two patriotisms. There are two governments covering the same ground, commanding with equally direct authority the obedience of the same citizen.” Thus says an eminent English political scientist who is pointing out “the cause of that immense complexity which startles and at first bewilders the student of American institutions.”

We are so accustomed to the smooth and almost frictionless action of our complicated governmental machinery that we forget that there is anything remarkable about it. We need to stand off and look at it through foreign eyes to see that it is really most complex in its construction. But when we thus examine it and begin to realize that it is driven by two entirely independent motors we are able to appreciate the delicate and intricate adjustments which make these two motors work together without a jar.

A GOVERNMENTAL CONTRAST

We shall more readily understand the nature of our federal government if we contrast it with a simple non-federal or centralized government, such as that of England or France. As we examine these governments we find that they differ from ours in that they have but one supreme authority. The will of the British parliament is the supreme law of the kingdom. England is divided into counties and France into departments, which at first glance may seem to differ little from the subdivisions of our country, the states. But we find on closer inspection that the English counties and the French departments have no governmental independence. The central government made them; the central government gave them their authority; it may take away that authority. They play important parts in the government of the country, but they exist simply as convenient districts for local administration.

As we turn again to our own states we find that they are not mere subdivisions of a nation. The state does not derive its power from the national government. The nation is clothed with power conferred by the states. The state existed before the nation and might still exist if the nation were destroyed. In the graphic language of Mr. Bryce: "The central or national and the state governments may be compared to a large building and a set of smaller buildings on the same ground, yet distinct from each other. It is a combination sometimes seen where a great church has been erected over more ancient homes of worship. First the soil is covered by a number of small shrines and chapels, built at different times and in different styles of architecture, each complete in itself. Then over them and including them all in its spacious fabric



THE BIRTHPLACE OF THE CONSTITUTION—THE OLD STATE HOUSE, PHILADELPHIA.

In this building the second continental congress met and framed the Declaration of Independence in 1776. The constitutional convention met in the same hall in 1787. Later the building was remodeled and used for municipal purposes, but the city of Philadelphia has recently restored the construction of the colonial period as completely as possible.

there is reared a new pile with its own loftier roof, its own wall, which may perhaps rest on and incorporate the walls of the older shrines, its own internal plan. The identity of the earlier buildings has, however, not been obliterated, and if the later and larger structure were to disappear a little repair would enable them to keep out wind and weather and be again what they once were, distinct and separate edifices."

ORIGIN OF OUR FEDERAL SYSTEM

If we would know why this complex system of federal government was established in our country we must turn to our early history to see how the English colonies developed into American states and how the states were welded into the union. The permanent settlement of our territory began in 1607, and between that time and 1732 various companies of adventurers in search of fortune or of freedom established themselves at various points until the whole Atlantic seaboard was allotted by royal grant to thirteen distinct colonies. The government of these colonies varied greatly. Most of them had governors appointed by the crown or by the proprietor who had received the territory from the crown. A few elected their chief magistrates and were entirely self-governing under charter from the English king. All the colonies had the privilege of making their own laws through representative legislative assemblies, and thus even those with royal governors enjoyed a considerable measure of self-government.

In 1776 the Declaration of Independence repudiated the authority of the mother country and asserted that "these united colonies are and of right ought to be free and independent states."

This declaration, made good by force of arms, did not

bring into existence the United States of America. It created simply thirteen little nations, independent not only of Great Britain but of each other. Having renounced their allegiance to the British crown, the colonists acted on the principle of the Declaration of Independence that governments derive their just powers from the consent of the governed, and adopted state constitutions.

But these little nations thus created soon realized that self-preservation demanded union, so under stress of war the articles of confederation were drawn up in 1777. The adoption of the articles in 1781 bound these sovereign states in "a firm league of friendship," but after peace was declared it was discovered that the "firm league" was fatally weak. Meantime the states had become exceedingly jealous of their sovereignty. For several years they refused to surrender any considerable part of it to endow an effective national government. But sad experience of "states dissevered, discordant, belligerent," constrained them to strengthen the bonds of union, and in 1787, after five anxious months of discussion, the present constitution was framed and submitted to the sovereign states for approval. The adoption of the instrument welded the states into a nation in 1789.

Thus the state was the original sovereign government in our country. The union was formed by the voluntary surrender on the part of the states of certain sovereign powers which they had previously exercised. These thirteen independent nations chose to become constituent parts of a new and greater nation. If they had not so chosen the union would have been impossible. For instance, the nation of Rhode Island refused to resign its independence until 1790, nearly two years after the constitution had gone into effect, and only when the nation, with its twelve constituent states, was preparing to treat Rhode

FUNCTIONS OF NATIONAL, STATE AND LOCAL GOVERNMENTS.		
NATIONAL.	STATE.	LOCAL.
<p>Manages foreign affairs.</p> <p>Maintains army and navy.</p> <p>Controls foreign and interstate commerce.</p> <p>Issues money and controls a national banking system.</p> <p>Operates postoffice.</p> <p>Gives patents and copyrights.</p> <p>Provides for naturalization.</p> <p>Constitutes federal courts.</p>	<p>Defines and guarantees civil and religious rights.</p> <p>Enacts civil and criminal law.</p> <p>Constitutes courts of law.</p> <p>Regulates suffrage.</p> <p>Creates and controls all corporations, public and private.</p> <p>Supervises banking and insurance.</p> <p>Regulates industrial relations through labor laws.</p> <p>Shares with local bodies the support of educational, charitable, and reformatory institutions.</p>	<p>Provides highways, water, lighting, parks.</p> <p>Affords police protection, fire protection.</p> <p>Guards public health.</p> <p>Shares with the state the support of schools, almshouses, hospitals, jails, etc.</p>

Island as a foreign power did this doughty little commonwealth decide to join the union. If she had not freely chosen to come under the "new roof," as the constitution was called, she might have remained outside its shelter to this day, for there could be no legal coercion of a sovereign state.

NATIONAL AND STATE FUNCTIONS

As we have seen, the constituent states did not lose their independence in union; they simply surrendered to the nation certain functions of general importance, reserving all others for their own untrammelled exercise. The federal constitution adopted by the states carefully sets apart a certain portion of the governmental field in which the nation is not only the supreme authority but the only authority. The rest of the governmental field belongs to the state and the national congress has no more right to trespass upon that field than the state legislature has to cross into the domain of the national government.

For instance, the constitution does not give to congress the right to prescribe qualifications for voters. That power is therefore reserved to the state and each state may decide what classes of citizens may vote for national as well as for state officials. Wide difference in voting qualifications exists in different parts of the union. Several states have given the ballot to women. A few have extended the franchise to inhabitants who are not citizens of the United States. On the other hand South Carolina has recently adopted a rigid educational qualification which takes away the ballot from a large proportion of her colored population. But the United States has no power to reconcile these differences by providing uniform qualifications for voters throughout the union, however desirable this might seem to the members of congress.

In dividing the governmental power between nation and state the constitution aims to extend the national authority over those affairs which concern the people of the United States as a whole. Thus to the nation is committed the control of foreign relations, the duty of common defense and of aggressive warfare, the regulation of foreign and interstate commerce, the issue of money and the supervision of national banks, the conduct of the postal service, the control of patents and copyrights, the establishment of national bankruptcy laws, the punishment of piracy and offenses against the laws of nations. To the state is left all the rest of the governmental power. Thus the state prescribes the civil and religious rights of its citizens, it makes and administers criminal law and the law which governs all property and contract relations, it fixes the qualifications for voting, it provides an educational system, it constitutes all private and municipal corporations, it supervises state banking and insurance and it regulates industrial affairs through a code of labor laws.

With two independent governments, the national and the state, thus existing side by side, it is sometimes difficult to determine, even with a written constitution, which has the right to control certain affairs which lie on the boundary line between the two fields of government. A state law may come in conflict with a law of congress. In such cases the United States courts are called upon to interpret the powers of congress under the constitution and to decide whether the national government has a right to make law on the subject in dispute.

STATE GOVERNMENT

Turning now to the state government, we note that it is conducted under a constitution which has in every case

been adopted by popular vote. This fundamental law of the state, the constitution, guarantees the more important rights of citizenship, such as personal and religious freedom, freedom of speech, the right of jury trial and inviolability of contract; it prescribes the organization of the legislative, executive and judicial departments; it determines the voting qualifications; it provides in general terms for the government of the counties, towns and cities, for taxation and loans, for the formation and control of corporations, for the public educational system and for other similar matters of great importance. The aim of the constitution is to lay down the general principles for the exercise of state authority, leaving to the legislature the duty of applying these principles to special cases as they arise. Every act of the state legislature is thus subject to the query: "Is it constitutional?" The supreme court of the state is the court of final appeal which decides whether the legislature has acted on the lines of the constitution in any particular case which arises.

LOCAL GOVERNMENT

For convenience of administration the state creates local governments—the county and the town or city. To these local governments are intrusted very large powers of government. A comparative statement of the revenue collected by the national, state and local governments as estimated by the last census will show the importance of the local bodies.

Total annual revenue collected.....	\$1,040,473,000
National government	\$461,154,000
State government	116,157,000
Local governments (counties, towns and cities).....	463,160,000

Thus the revenue of the local governments was about four times greater than that of the state governments.

THE COUNTY

The subdivision of the state which we call the county originated in early colonial times. It was first formed for judicial purposes, a court sitting in each county at specified times to hear cases which had arisen within the region bounded by the county line. Gradually as the country developed the county acquired officers, generally called county commissioners, who were elected by the people and charged with the duty of providing courthouses, jails, poorhouses and other public buildings, maintaining the schools, making and repairing roads and bridges and discharging other similar local duties. The district attorney, the sheriff, the coroner, the recorder of deeds and the register of wills are always county officials.

In the agricultural districts of the south the county is the only form of local government; the town having no separate governmental existence. But elsewhere the county shares the duties of local government with another subdivision of the state, the township or the city. In New England and in the middle west the town or city has the lion's share of local government, the county serving mainly as a judicial district and as an agency for maintaining the public highways and the jails.

THE TOWN AND CITY

The town or city government is the smallest of all our areas of government, but in many respects it is the most important. This is an age of great cities. The five largest cities in our country, ranging from the Greater New York, with its 3,500,000 inhabitants, to Baltimore, with a population of 600,000, contain more than one-tenth of

the total population of the whole country. The provision of streets, water, lighting, police and fire protection, sanitation and a hundred other necessities for thousands of people crowded into a small area make the government of our great cities the most complex in our whole system.

But these great cities, with their enormous interests and regal revenues, are but the creatures of the state which they seem to overshadow. They are municipal corporations governed by charter granted by the state legislature in much the same way that charters for business corporations are given. They enjoy only such measure of self-government as the state sees fit to accord. Their charters are subject to modification at any time by the legislature, and their government may be changed in its most fundamental characteristics at any session of the legislature. Usually, however, the charters give them almost complete power of self-government.

Our government consists, then, of two great co-ordinate authorities, the nation and the state, each covering a distinct field. The state field is subdivided into areas of local government—counties and cities. These local governments derive all their authority from the state and exercise those functions which the state delegates through its constitution or through the action of the legislature. With this introductory survey of the nature and relations of our various governments we shall be able to study more intelligently the machinery of each as we shall observe it in motion.

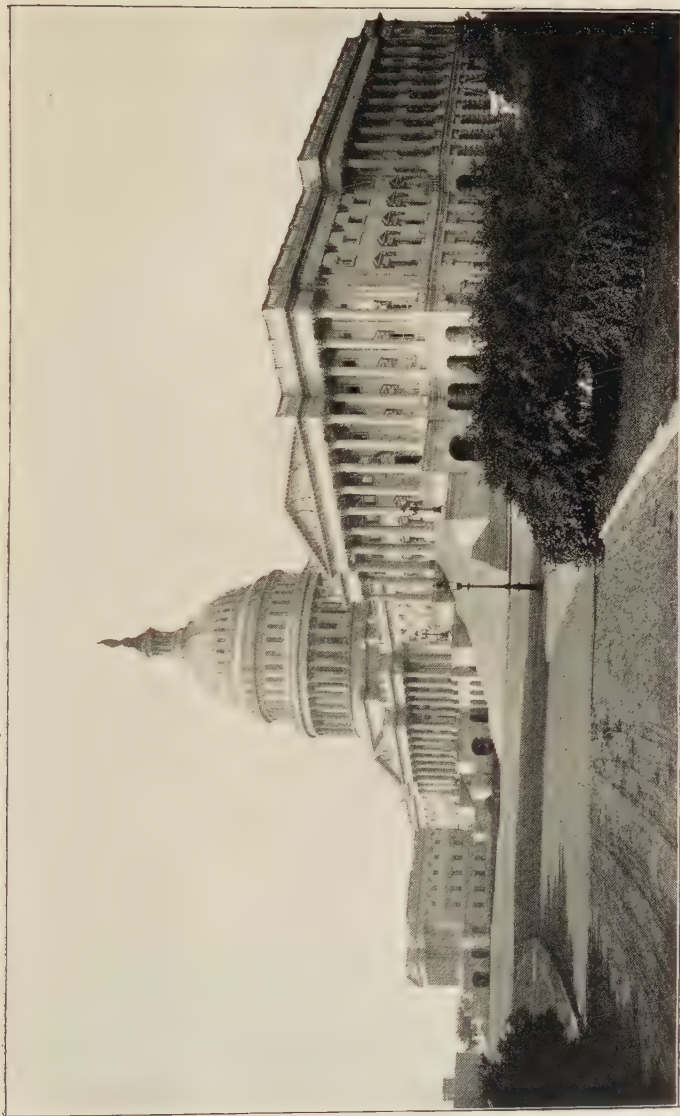
FREDERIC W. SPEIRS.

II. THE CONGRESS OF THE UNITED STATES

I. THE CONSTITUTION OF CONGRESS

ORIGIN: THE BICAMERAL SYSTEM

In studying an institution like the congress of the United States the student should first look to its origin. When the treaty of peace was made in 1783, which declared the united colonies free and independent states, the congress of the states consisted of a single house. This body was not a congress at all in the sense in which we speak of the American congress to-day. It was not a legislature. It was a diplomatic body, an assembly of commissioners from the states delegated to take into consideration certain expressed and limited functions which had been conferred upon it by the articles of confederation. Each state might have from *two to seven* delegates, according to the number the state was willing to support; but the state could have only *one* vote in congress. Questions were decided by the voices of states, and the voice of any state was equal in power to the voice of any other. The members were elected by states, were paid by states and could be recalled by the states. The old congress lacked the two prime requisites of a government: It could not enforce a law nor collect a tax. It is evident that the frames of that old constitution did not intend to erect as a central directing government a lawmaking body. There is a political absurdity involved in the assertion that a government may make laws but cannot enforce them. If a law-making body, as part of a real government, had been intended by our fathers when their states formed a league



UNITED STATES CAPITOL

in 1781, they would have formed the body after the pattern of every government, save one, of which they had any working, experimental knowledge. That is, they would have given their legislature the *bicameral*, not the unicameral, form. Every state government, save Pennsylvania, had the bicameral system; and when the founders of the republic came together in the great convention of 1787, in which they first formed a central government, one of their first propositions was to establish the bicameral system for their common government.

The first subject for consideration before the constitutional convention, after its organization, was the "Randolph plan" of government—contained in the set of resolutions submitted by Mr. Randolph of Virginia. After first asserting that the articles of confederation ought to be so corrected as to accomplish their object—"common defense, security of liberty and general welfare"—the resolutions then asserted as the first means to this end: (1) That the right of suffrage in the national legislature ought to be proportional—in proportion either to wealth or population. This introduced the national principle. (2) That this legislature should consist of two branches.

The second proposition, "that the legislature should consist of two branches," was agreed to on the second day of the debates, without discussion or dissent, except that of Pennsylvania, "given probably from complaisance to Dr. Franklin, who was understood to be partial to a single house of legislation." The proposition for an upper house was never again brought into question. A second chamber was part of the colonial government form. Mason of Virginia said: "In two parts the mind of the people of America is well settled: First in an attachment to republican government; secondly, in an attachment to more than one branch in the legislature." "The bicameral sys-

tem," says Lieber, "accompanies the Anglican race like the common law."

Our upper house, then, had its origin in the desire of the constitution-makers to institute the bicameral system. It is often supposed that the senate had its origin in the necessity of providing for an equal representation of the states—that the differences between the large and the small states might be compromised and reconciled. The constitution of the senate was modified from this necessity, but its origin is not found in this cause, as is easily shown from a perusal of the debates. It seemed to be necessary to provide in the senate a representation of statehood, in order to enable large and small states to form a common constitution; but this was done after the senate itself had been fully determined upon, and it is important only as affecting the *form* of the senate. The representation of statehood is "neither the originative nor the determinative principle of the senate"—it did not grow out of that principle, nor does the senate determine questions upon that principle—for, as we have said, the senate was already decided on before state representation was proposed, and even then the constitution-makers deliberately refused to provide that the senate should vote on the basis of statehood, i. e., one state, one vote. Each state has two votes, but these may oppose and neutralize one the other.

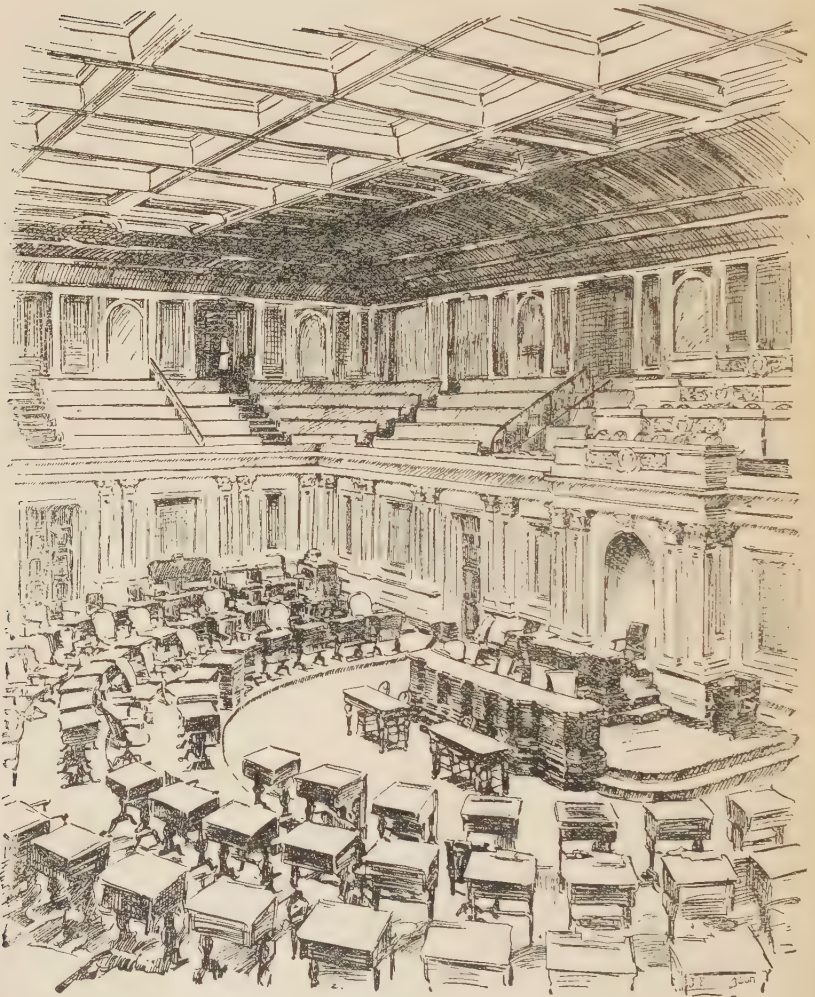
FORM AND COMPOSITION OF THE SENATE

After all, the struggle for equal representation of the states determined the form of the senate. Without equal representation in one of the houses the small state would, in all probability, have refused to "form a more perfect union." Thus, each state, however small, has equal weight in the senate with any state, however large; here

the *federal* character of our government is distinctly represented. The senate reminds us that our fathers formed a government of the people in states, not in mass.

The present senate of the United States, if all elections were complete, would consist of ninety members, two members from each of forty-five states. By the constitution creating this body, the senators are chosen by the legislatures of their respective states for a term of six years and each senator has one vote. A senator is required to be thirty years of age, to have been nine years a citizen of the United States and to be, at the time of his election, an inhabitant of that state from which he is chosen. The vice-president of the United States is the presiding officer of the senate, voting only in case of a tie. The senate may choose, with its other officers, a president *pro tem.*, who presides in the absence of the vice-president or when the latter shall exercise the office of president of the United States.

At the first organization of the senate its members were divided, according to the constitution, into three classes, the seats of the senators of the first class to be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, of the third class at the expiration of the sixth year. Senators from new states are assigned by lot to one of these classes. Thus, the senate is called a continuing, or permanent, body, having in every congress two-thirds of the same membership as in the congress preceding. A vacancy from a state, occurring by death or resignation, during a recess of the state legislature, shall be filled by temporary appointment by the state governor until the next meeting of the legislature, which shall then fill the vacancy. It has been recently determined, however, that the senate, which is the judge of the election of its own members, will not recog-



UNITED STATES SENATE CHAMBER.

nize the appointment by a governor in case a sitting legislature fail to elect. Thus, a state, by "its own consent," i. e., by its failure to elect, may be deprived of its equal representation in the senate.

PURPOSES AND FUNCTIONS OF THE SENATE

The purposes of the senate were well set forth in the "Federalist," the series of papers published by Hamilton, Madison and Jay in defense of the constitution when that document was before the states for adoption. We summarize these purposes briefly:

1. To conciliate the spirit of independence in the states by equal representation.
2. To create a council qualified by size to advise and check the president in appointments and treaties.
3. To restrain the house of representatives, guarding against hasty legislation, against passion and sudden changes in the people.
4. To provide a body of stability, character and continuity in policy—a body of men who are of longer experience, with longer terms to serve and who might thus be more independent of popular election.
5. To establish a court for impeachment.

These great purposes indicate the functions which the senate has come to perform. The senate's duties, or functions, are of three kinds:

1. *Legislative*: The senate is a co-ordinate branch of the national legislature. It may pass upon the merits of any act of legislation, and the fact that an act has passed the house gives no presumption in its favor in the senate. Any act of legislation may originate in the senate except a revenue bill, and even a revenue bill may be so amended in the senate as to be unrecognizable in the house of its original friends.

2. *Executive*: The executive functions of the senate

are to pass upon presidential appointments and treaties. This it usually does in secret executive session.

3. *Judicial*: The judicial function of the senate is to sit as a court in impeachment trials.

The senate has no closure rule. The rule of the previous question was applied in the senate in its early history, but the usage is now obsolete. The absence of a closure rule leads at times to extended debate and enables a united and strenuous minority to defeat a measure which it opposes. An effort has been made within recent years to apply a closure rule, but without success. The senate is a body of dignity and courtesy. It is presumed that no senator will violate the privilege of the body or be unmindful of its courtesy and dignity; that he will not speak unless he has something to say; and that if he seeks delay his action is prompted by public and patriotic motives.

THE HOUSE OF REPRESENTATIVES

The house represents the nation on the basis of population, while the senate represents the states. This is the basic difference between the two bodies. The present house consists of 357 members. The members of the house are chosen every second year by the people of the several states. Those may vote for representatives who are qualified to vote for the most numerous branch of the state legislature. So the states determine the qualification of voters for members of congress. No person shall be a representative who shall not have attained the age of twenty-five years and have been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives are apportioned among the states according to their respective numbers. In the beginning, as

provided in the constitution, the representatives were not to exceed one for every 30,000 of the population. It has been found convenient to limit the membership of the house to a comparatively small number. The house of commons has 658 members. Our house, with its 357 members, allows *one* to every 173,000 of the population.

The house is barred from certain rights which the senate enjoys. It may not try impeachments, nor pass on presidential appointments, nor participate in making treaties.

On the other hand, it has certain exclusive rights in which the senate is denied participation. It may initiate revenue bills, initiate impeachment, and, in a certain contingency, elect a president. In electing a president the house votes by states, each state having one vote—an other illustration of the *federal* character of the government.



THE HON. THOMAS B. REED.
(Former Speaker of the House.)

The officers of the house are the speaker, the sergeant-at-arms, doorkeeper, clerk and chaplain. The most important of these is the speaker, and, next to the president, he

is the most powerful and important officer of the government. The speaker of the house of representatives presents to our view one of the most interesting and important officers in the history of parliamentary government.

POWER OF THE SPEAKER

The unprecedented power of the speaker comes from two sources :

1. His power of recognition. He may in effect assign the floor to whom he will, and thus he may determine in large measure what man and what measure may come before the house. This power is exercised according to the rules and usages of the house and in connection with the committee on rules, of which the speaker is usually a member.

2. His power of constituting the committees. The house is no longer the scene of great debate. Legislation is carried on through committees. These may be made up favorable or unfavorable to proposed or pending legislation, as the speaker's party or public views may determine. On this account it may be said that the American speaker is the most powerful legislative factor in any free government in the world.

The English speaker is a judicial officer, the moderator of the commons. When he passes from the benches to his chair he forgets to what party he belongs and he retains his place through varying changes of the party majority of the house. He is expected to treat all men and all parties impartially. He must give no help to his own side. It makes very little difference to the parties from which side the speaker comes. His position implies no political power. If he recognizes a member who in the probable opinion of the house was not the first to address him the majority may overrule the speaker and decide who shall address the house. In America the speaker decides; and

he sees or refuses to see, as he thinks the public interest requires or as his party majority may dictate. The only check to his power is the sentiment of the house, the moderation among his party majority; that is, the fear that if he go beyond all endurance the power which elevated him may degrade him. Such a concentration of irresponsible power is always dangerous, and it may seem surprising that it has been so long tolerated by the American congress in the case of their speaker. The fact may be explained by the important consideration that this power has not been seriously abused in the past and by the reliance of the people upon their parties. The people evidently believe in their ability to punish and displace a party whose speaker should abuse his trust.

Recently further addition was made to the speaker's power by allowing him to determine the fact of a quorum, to see and have counted as present members refusing to participate in legislation or to go upon the record by answering to their names. The American speaker has ceased to be the organ of the house and has become the agent of the party majority. The house stands for party government and the speaker is the party leader. What he does he does by consent of the majority; for his acts they must be held responsible, and it is through him they govern. To rebuke the speaker is to rebuke the party, and the question whether there is in this office a dangerous tendency to "czarism," or "one-man power"—whether one man may be so trusted—is merely the question whether the party majority may be trusted. The safeguard against an unscrupulous speaker is the integrity of the party majority; that against an unscrupulous majority is an independent and vigilant people.

J. A. WOODEBURN,
Indiana University.

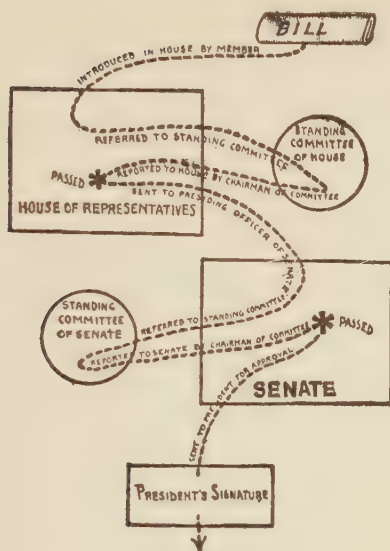
2. CONGRESS AT WORK: HOW LAWS ARE MADE

REPRESENTATIVE DEMOCRACY

The ideal government is a pure democracy—that is, a government in which the necessary laws are made by direct vote of each citizen. The New England town, with its annual town meeting, is a good illustration of this ideal government. All the male citizens of the township have a right to attend the meeting, to propose and to vote directly upon the laws for their little community and then to elect officers to enforce the laws. But manifestly the direct self-government of pure democracy is possible only in small communities. The laws for the city, state and nation must be made through representative democracy. Thus 447 men, representing nearly fourteen million voters, assemble in Washington each year to make the laws which govern us as a nation. These representatives of the people organize in two separate houses of congress and proceed to express in law the will of their constituents.

INTRODUCTION OF BILLS

The first step in legislation is very simple. Members of both houses may propose bills at their pleasure under the single constitutional restriction that bills for raising revenue must originate in the house of representatives. All other bills may originate in either house. Bills are introduced in the senate by reading the title. In the house of representatives the procedure is still more simple. The bills are not even read by title but are handed by a member to the speaker or to a clerk. Each bill as it is received in either house is given a serial number and at once referred without discussion to a standing committee.



THE COURSE OF A BILL.

The diagram represents the course of an ordinary bill introduced in the house of representatives and passed without amendment by the senate. If amended on passage in the senate the bill must be returned to the house for concurrence in the amendments.

THE COMMITTEES OF CONGRESS

The committees play a most important part in legislation. Indeed, a most acute writer has said: "I know not how better to describe our form of government in a single phrase than by calling it a government by the chairmen of the standing committees of congress." We must see, then, what these committees are, how they are organized and whence their great power is derived.

As each new congress meets for organization the first duty which confronts the house of representatives is the election of a speaker. As soon as the speaker is chosen he

proceeds at once to appoint a large number of standing committees. Each of these committees is charged with the consideration of a special class of bills. Thus there are the ways and means committee, the committee on appropriations, the committee on rivers and harbors, the committee on banking and currency, the committee on agriculture, the committee on pensions, the committee on naval affairs and about fifty others. The number of members appointed to each committee varies from three to sixteen. In constituting the committees the speaker takes care that his own party shall have a working majority on all the important ones. In like manner the senate is organized into committees. The upper house, however, elects its committees instead of intrusting their appointment to its presiding officer.

ACTION OF COMMITTEES

On introduction each bill is immediately referred to one of these committees. Congress meets regularly at noon, so the morning is free for the meetings of the various committees. In theory the committees consider all bills referred to them, make such changes as they desire and report the amended bills to the house for action. In practice the committees really consider a very small proportion of the bills introduced. Bills are numerous and time is short. A brave procession of new bills proceeds from the clerk's desk to the committee room; but only a few measures survive the ordeal of commitment and emerge from committee bearing the stamp of approval which gives them a right to consideration in the house. The rest are impaled on the files of the committee and die of neglect. For at the close of each congress all unreported bills expire. Ordinarily the sessions of the committees are not public, but those interested in a special bill are at times given oppor-

tunity to appear before the committee to urge a favorable report.

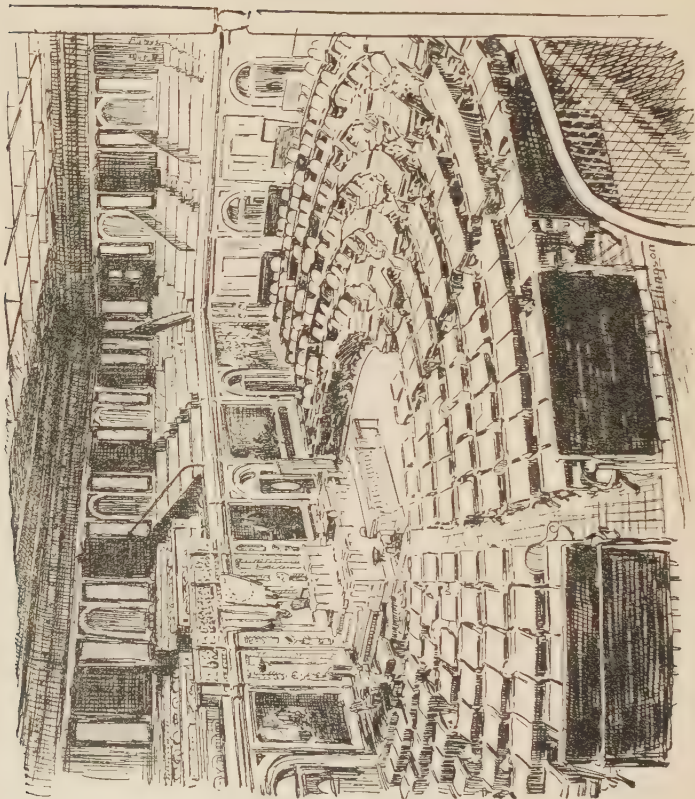
A few of the more important bills are framed by the committees. A tariff bill, for example, is always drawn by the ways and means committee. When the tariff is under consideration the committee throws open the doors of its room and grants hearings to those who have facts and arguments to present. On the basis of the knowledge thus gained a bill is constructed and then presented to the house by the chairman of the committee. This committee origin of the tariff bill is indicated by the fact that the name of the chairman of the ways and means committee is popularly attached to it. So we have the McKinley bill, the Wilson bill, the Dingley bill.

It is apparent that the committees act as a dam to hold back the flood of proposed legislation which would otherwise overwhelm congress. Broad is the road of introduction but strait is the gate of the committee room that leads to consideration by the house. But once through that gate the ordinary bill is far on the road toward passage.

HOUSE NOT A DELIBERATIVE BODY

The bills which are to receive the consideration of the house are printed and a copy placed in the hands of each member. It is essential to economize time and a set of rigid rules prescribes the order of business. Each committee has a certain limited time allotted for the report of its bills and under the pressure of business there is scant opportunity for discussion. In all except matters of the greatest importance the house must rely upon the judgment of its committees.

We usually think of congress as a deliberative body, fully debating the measures which it finally passes. The newspapers report at length most exhaustive debates on a



HOUSE OF REPRESENTATIVES AT WASHINGTON.

tariff bill, a currency bill, an immigration bill, and we naturally conclude that these are typical measures and that all bills receive full consideration. A visit to congress dispels this notion. Indeed, a single glance at the house of representatives shows that it is not a debating body. As you enter the gallery of the house you look down upon a great expanse of floor, with large desks amply spaced for 357 men, broad aisles and extensive unoccupied spaces. Around the great central space the galleries stretch far back, providing seats for 2,500 spectators. With perfect silence a speaker would need a powerful voice to fill that immense hall. And perfect silence is rare in the chamber of the house of representatives. This was the impression of a visitor from abroad who saw the house in its ordinary mood: "When you enter your first impression is of noise and turmoil, a noise like that of short, sharp waves in a highland loch, fretting under a squall against a rocky shore. The raising and dropping of desk lids, the scratching of pens, the clapping of hands to call the pages, keen little boys who race along the gangways; the pattering of many feet, the hum of talking on the floor and in the galleries, make up a din over which the speaker with the sharp taps of his hammer or the orators straining shrill throats find it hard to make themselves audible. * * * To attend is not easy, for only a shrill voice can overcome the murmurous roar; and one sometimes finds the newspapers in describing an unusually effective speech observe that 'Mr. So-and-So's speech drew listeners about him from all parts of the house.' They could not hear him where they sat, so they left their places to crowd in the gangways near him. 'Speaking in the house,' says an American writer, 'is like trying to address the people in the Broadway omnibuses from the curbstone in front of the Astor house.'"

These are not encouraging conditions for the debater. However, verbatim reports of the proceedings of each day in both houses are published in the Congressional Record, and the congressman who cannot gain the attention of the house has the consolation of knowing that he may at least impress his constituents through the Record and through the newspaper reports of his speech. Indeed, most of the speeches made in the house are really addressed to the public rather than to the congressmen, for it is generally recognized that discussion has little influence on the members.

The procedure of the house of representatives in this regard is in sharp contrast with that of the English house of commons. In the English house there are no desks. The members sit on benches in a hall small enough for real debate. Having no desks they cannot conduct their correspondence, write their speeches and receive their friends during the session, as our representatives do. They are in the house for the sole purpose of speaking, listening and voting. The number of bills presented is comparatively small, and this fact combined with the favorable physical conditions makes possible real discussion of all important measures presented to the house of commons.

SPEAKER REED'S PLAN

Many Americans regret the lack of discussion in our house, and ex-Speaker Reed proposed a plan to remove the physical obstacles to debate which now exist. He proposed to divide the present chamber into three parts and devote only one-third of the space to the meeting hall of the representatives, removing the members' desks and furnishing the hall with benches or chairs only.

Meantime, however, partly because of the size and furnishing of its hall, but more largely because of the great

volume of business, the house of representatives exists chiefly to give formal approval to the proposals of committees. The house must trust its committees. Thus it happens that the real fate of a bill is determined by the little legislature of nine, eleven or sixteen members who deliberate with closed doors. As Prof. Woodrow Wilson puts it: "It is not far from the truth to say that congress in session is congress on public exhibition, while congress in its committee rooms is congress at work."

DEBATE IN THE SENATE

If a bill is introduced in the senate it is much more likely to be debated on report from committee. The senate is a leisurely body with traditions of unlimited debate. The house has rules shutting off discussion, but the senate has never been willing to abridge the privilege of its members to talk as long as they pleased. In recent years the public has felt that the privilege of unlimited debate has been greatly abused at times. But even in the senate the larger number of bills are passed upon the favorable report of its committees.

THE BILL IN THE SECOND HOUSE

When a bill has passed one house it is sent by messenger to the other house. There it is again referred to committee without debate. Courtesy demands that the committee of the second house report the bill which has struggled through one body of congress, but the committee frequently exercises its privilege of amendment. If the bill passes the second house with amendments it is necessary to return it to the house in which it originated in order that it may be again passed in its amended form. If the house to which it is returned refuses to accept the amend-

ments a conference committee composed of members of both houses is appointed to adjust differences. If possible this committee agrees upon terms acceptable to both houses and the bill is finally passed in compromise form.

THE PRESIDENT'S PART IN LEGISLATION

The bill is now ready for executive action and it is accordingly sent to the president. His approval makes it a law. If he disapproves he returns it to the house in which it originated with a message giving his reasons for refusal to sign it. If on reconsideration two-thirds of the members of both houses vote in favor of the rejected bill it is "passed over the president's veto"—that is, it becomes a law without executive approval. Or if the president holds the bill for ten days, Sundays excepted, while congress is in session, without signing it or returning it, it becomes a law. This provision was made to prevent the absolute veto of bills by the president, who might otherwise effectually dispose of them by simply keeping them in his desk. Because the constitution requires that the ten days must lapse during the session of congress, all the bills passed during the last ten days before the close of each session are subject to absolute veto. If the president holds these bills without signature they never become laws. This method of disposing of bills we call the "pocket veto." The reader will remember that when the democratic congress of 1894 passed the Wilson tariff bill President Cleveland refused to sign it or to return it to congress. The houses were anxious to adjourn, but they dared not risk the pocket veto. Therefore they remained in session ten days after the tariff bill reached the president and adjourned the moment that the bill became law without his signature.

Thus are the laws of the United States made. And in like manner, with certain local variations, are the laws of the states made by state legislatures and governors.

FREDERIC W. SPEIRS.

III. THE PRESIDENT OF THE UNITED STATES

I. HOW HE IS ELECTED

Americans worship the constitution. To many loyal souls criticism of the form of government which it established is sacrilege. To their minds our great fundamental instrument of government is flawless. But if we read the history of the formation of our union we find that the men who made the constitution felt that it was a very unsatisfactory document. In the convention that framed it there were radical differences of opinion on fundamental questions and the constitution finally emerged from discussion a mosaic of compromises. Every signer found something in it to criticize and three members of the convention out of fifty-five refused to give it the approval of their signatures. When it was submitted to the states for adoption it met a storm of opposition and the utmost efforts of its advocates barely secured its approval in some of the states.

But there was one thing in this much-criticized constitution that received almost universal approval. This was the method of electing the president. The convention agreed that this feature was a triumph of constructive skill and the people took the same view. Hamilton says: "The mode of appointment of the chief magistrate of the United States is almost the only part of the system of any consequence which has escaped without severe censure. * * * I hesitate not to affirm that if the manner of it be not perfect it is at least excellent. It unites in an eminent degree all the advantages the union of which was to be wished for."

It is a curious fact that the one vital feature of the con-

stitution which thus received almost unanimous approval is the one thing in it which has proved absolutely unworkable. For this ingenious device for choosing a president broke down utterly before the close of the last century, and although we still keep the electoral machinery as originally planned we have completely reversed its action.

THE ORIGINAL PURPOSE OF THE ELECTORAL COLLEGE

We cannot fully understand our present method of choosing the president with its apparently useless electoral machinery unless we understand the original plan which Hamilton praises so highly. The constitution provides that the president shall be chosen, not by the people but by a select body created for that special purpose, the electoral college. The number of electors from each state is equal to the number of representatives which the state has in the national house of representatives plus the two senators. As the number of representatives varies with the population, the number of electors is also in proportion to the population. The total number of electors at present is 447. These electors are to be chosen in each state "in such manner as the legislature thereof may direct." At first they were in many states elected by the legislatures themselves, but soon the people demanded the right to make the choice. This electoral body thus constituted chooses the president and vice-president by majority vote.

The intention of the constitution was that the people should choose as electors men of character and judgment, without regard to party considerations, and then that these selected citizens, in their superior wisdom and without dictation from the people, should secure the best man available to fill the high office of president of the United States. In the series of essays known as "The Federalist," pub-

lished to explain the constitution and urge its adoption, Hamilton thus sets forth the merits of this plan: "It was desirable that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. * * * It was equally desirable that the immediate election should be made by men most capable of analyzing the qualities adapted to the station and acting under circumstances favorable to deliberation and to a judicious combination of all the reasons and inducements that were proper to govern their choice. A small number of persons, selected by their fellow-citizens from the general mass, will be most likely to possess the information and discernment requisite to so complicated an investigation.

"It was also peculiarly desirable to afford as little opportunity as possible to tumult and disorder. * * * The precautions which have been so happily concerted in the system under consideration promise an effectual security against this mischief. The choice of several, to form an intermediate body of electors, will be much less apt to convulse the community with any extraordinary or violent movements than the choice of one who was himself to be the final object of the public wishes."

FAILURE OF THE ELECTORAL PLAN

But although the framers of the constitution had clear prevision of the evils of the "tumult and disorder" which we now call the presidential campaign, they were unable to guard the nation against them. Their ideal plan of non-partisan choice was realized in the first two elections and Washington was thus chosen for two terms. But meantime political parties were crystallizing into effective organizations and the people began to demand a direct voice in the election of their chief magistrate. They were not

willing to simply select good men for the electoral college and leave them to make a free choice. They began to discuss presidential candidates and to send their representatives to the electoral college pledged to vote for a man of their own choice. Thus when Washington declined a third term the federalist party and the republican-democratic party lined up to fight for the presidency, and, though no formal nominations were made, it was definitely understood that the republican-democratic electors would vote for Thomas Jefferson for president and Aaron Burr for vice-president, while the federalist electors would vote for John Adams and Thomas Pinckney. In the next election, that of 1800, the party lines were still more closely drawn, and from that time the party system of pledging electors in advance was fully established.

THE TWELFTH AMENDMENT

The constitution had originally provided that each elector should vote for two persons and that the person receiving the highest number of votes should be president and the person receiving the next highest number should be vice-president. But as soon as the political parties began to make nominations and to pledge electors to support party nominations this plan of choice became impossible. If each elector is pledged to vote for two candidates, one for president and one for vice-president, two men will always have the same number of votes. Thus in 1800 the vote stood: Jefferson, 73; Burr, 73; Adams, 65; Pinckney, 64; Jay, 1. One federalist elector had failed to vote for both of his party candidates, but the republican-democratic electors had proved loyal and there was no choice. Recognizing that the system of party nominations had come to stay, the twelfth amendment to the constitution was made, prescribing a separate ballot for president and vice-

president, thus avoiding for the future the deadlock which occurred in 1800 under the original provision for casting and counting the vote.

The amendment is the legal recognition of the downfall of the ideal system of non-partisan choice and the establishment of the new plan of partisan electors. It is evident that the plan of pledging electors utterly destroys the original purpose of the electoral college and makes it a mere machine for registering the popular will. As Professor Woodrow Wilson says: "Once the functions of a presidential elector were very august. He was to speak for the people; they were to accept his judgment as theirs. He was to be as eminent in the qualities which win trust as was the greatest of the imperial electors in the power which inspires fear. But now he is merely a registering machine—a sort of bell-punch to the hand of his party convention. It gives the pressure and he rings."

PRESIDENTIAL NOMINATIONS

At first presidential nominations were made by congressional caucuses of each party, but as early as 1831 the existing system of party convention developed. The nominating convention of the present day is composed of delegates chosen through the party primaries, each state sending to the national convention twice as many delegates as the number of presidential electors to which it is entitled. Thus a nominating convention is now composed of about 900 delegates. The republican convention nominates by simple majority vote, but the rule of the democratic party requires a two-thirds vote for choice. This great party gathering, with its banners and bands, its fervid oratory and its wild outbursts of enthusiasm, when 15,000 men and women packed in an immense auditorium specially constructed for the convention shout and rave to the limit

of physical endurance in an organized effort to affect the action of the delegates, is the most picturesque and unique feature of our whole political system.

The same forces which transferred the choice of the president from the electoral college to the people are at work to limit the freedom of choice of the delegates in the national convention. To an ever-increasing extent delegates are sent to the convention under pledge to vote and work for the nomination of a candidate favored by the people of their districts. The last republican convention is a notable illustration of this tendency. A large proportion of the delegates to this convention went with positive instructions from their party constituents to vote for Mr. McKinley as the republican candidate for the presidency.

CHOICE OF ELECTORS

As we have seen, the method of choosing the electors is determined by the state legislature. The practice of the states has differed at different times. In addition to the early choice of electors by the legislature two methods of popular election have been used—the district system and the general-ticket plan. The first of the popular methods divides a state into districts in each of which a single elector is chosen. The general-ticket plan allows each voter to cast a ballot for the full number of electors to which the state is entitled. Under this plan, which is now universal, the party which obtains a majority, however narrow, secures the whole electoral vote of the state.

A "MINORITY PRESIDENT"

This system of choice of electors makes possible a "minority president"—that is, a president who is the choice of the majority of the electors but is not the choice of a majority of the voters. A reference to the accompanying

diagrams will show that on two occasions in the last twenty years the republicans have secured the electoral majority, while the democrats held the popular majority. Thus in 1876 the electoral vote was 185 to 184 in favor of Mr. Hayes, while the popular vote stood, in round numbers, 4,284,000 to 4,033,000 in favor of Mr. Tilden. In 1888, 5,538,000 ballots were cast for Cleveland electors, while 5,440,000 were cast for Harrison electors, but the electoral college gave Mr. Harrison 233 votes and Mr. Cleveland only 168.

A brief table of popular and electoral votes will make clear the reason for this defeat of the will of the majority in the choice of a president. Taking, for illustration, a few round figures from the actual vote in 1888 we have a result which would not be changed in character if we should include all the states:

	Popular vote.		Elec. vote.	
	Rep.	Dem.	Rep.	Dem.
New York	650,000	635,000	36	..
Pennsylvania.....	523,000	444,000	30	..
Georgia	40,000	100,000	..	12
Texas.....	88,000	234,000	..	13
Total.....	1,301,000	1,413,000	66	25

If the district plan were adopted the electoral college would reflect the popular vote more accurately, although a minority president would still be a possibility. The abolition of the electoral system and the adoption of the direct majority vote is widely favored. The electoral college has no excuse for being, now that the electors have been deprived of real choice, but it is exceedingly difficult to amend the constitution, and there is no other way to get rid of the electoral plan.

ELECTION BY THE HOUSE OF REPRESENTATIVES

If the electoral college fails to give a candidate a majority how is the president chosen? The constitution pro-



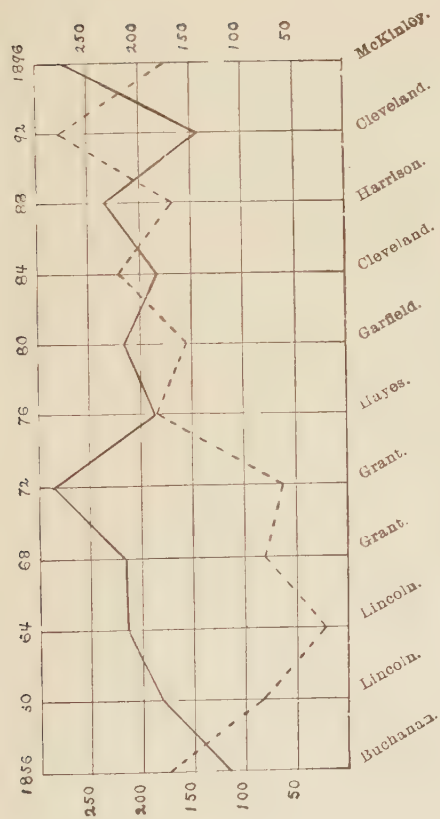
POPULAR VOTE FOR PRESIDENT—1856-1896.

(The figures at the right and left of the diagram represent millions of popular votes.)

vides for this emergency. In case of a failure to elect in the ordinary manner the house of representatives chooses a president from the three candidates who have received the largest number of electoral votes. The vote is taken by states, each state casting one vote. The vote of the state is determined by the majority of its congressmen. If no vice-president is chosen by the electors the senate elects by a simple majority vote. Twice in our history the choice of a president has been made by the house of representatives. In 1801 Jefferson was thus chosen and in 1825 John Quincy Adams was elected by this reserve method. In only one case has the senate been called upon to elect a vice-president. This occurred in 1837, when Richard M. Johnson was thus chosen.

THE ELECTORAL COMMISSION

Once in our history it has been necessary to resort to an extraordinary method of determining a presidential election. This was in 1876, when Mr. Hayes and Mr. Tilden were the opposing candidates. The votes of three of the southern states were doubtful and there was dispute over one electoral vote in Oregon. The contests were transferred to congress. The house was democratic, the senate republican, and serious trouble was threatened through their disagreement. After much fruitless discussion an electoral commission was created to pass upon all disputed returns. This was composed of five senators, five representatives and five judges of the Supreme court. The commission as finally constituted was made up of eight republicans and seven democrats. By a strict party vote every contest was decided in favor of the republicans and Mr. Hayes was thus elected by a vote of 185 to 184. The popular majority had gone to Mr. Tilden and there was discontent both loud and deep over the result. Party feel-



ELECTORAL VOTE FOR PRESIDENT—1856-1896.

ing ran high and violence was averted only through the patriotic action of Mr. Tilden, who urged his partisans to loyally accept the decision of the commission. Immediately afterward a repetition of the unfortunate struggle was made impossible by a law providing for a fair and final determination of a disputed electoral return by the state involved.

The electoral system has not fulfilled the expectation of the men who framed it. It has not lifted our executive above party considerations and it has not placed our greatest American statesmen in the presidential chair. In a most interesting chapter on the reasons "Why Great Men Are Not Chosen Presidents" Mr. Bryce attempts to explain a generally recognized fact. But while our electoral system has given us few conspicuously great presidents it has never raised to the chief magistracy a man who has failed to administer the high office with integrity and dignity.

2. DUTIES AND POWERS OF THE PRESIDENT

We have seen in the preceding section that the makers of our constitution felt that they had devised an ideal plan of choosing our chief magistrate. They were not so sure, however, that they had acted wisely in defining his duties and powers. A strong party in the convention was very reluctant to give the president large power, for fear that an ambitious man might convert the presidential chair into a throne. The republic was an experiment and to many thoughtful minds there seemed grave danger that the chief servant of the people might make himself the master of the people, possibly by force of arms.

Nevertheless, their bitter experience with the confederation, which had failed mainly because it lacked adequate executive power, taught the framers of our constitution



THE WHITE HOUSE.

that a vigorous executive was essential. To secure efficiency and yet minimize the danger of establishing monarchical authority various plans were proposed. Some wished to intrust the executive function to a commission instead of an individual. Others urged a single executive with a term of only one year. But, finally, it was decided that the executive power should be vested in a president elected for a term of four years.

The difference of opinion in the convention foreshadowed a bitter attack on the proposed presidency when the constitution went before the people for ratification. With reference to the opposition evoked by this part of the constitution Hamilton says: "The authorities of a magistrate, in a few instances greater, in some instances less, than those of a governor of New York, have been magnified into more than royal prerogatives. He has been decorated with attributes superior in dignity and splendor to those of a king of Great Britain. He has been shown to us with a diadem sparkling on his brow and the imperial purple flowing in his train. He has been seated on a throne surrounded with minions and mistresses; giving audience to the envoys of foreign potentates in all the supercilious pomp of majesty." To us, looking back over a hundred years of experience, such fears seem most absurd, but we must remember that a monarchy was an actuality and a stable republic only a possibility to the men of the last century.

The executive, whose power as defined by the constitution excited such alarm, was, as Mr. Bryce puts it, "an enlarged copy of the state governor, or, to put the same thing differently, a reduced and improved copy of the English king. He is George III. shorn of a part of his prerogative by the intervention of the senate in treaties and appointments, of another part by the restriction of his action to

federal affairs, while his dignity as well as his influence are diminished by his leaving office for four years instead of for life."

THE APPOINTING POWER

In examining the functions of the official constructed on the model above described, we note first his duties and powers in domestic administration. The principal duty of the president is expressed in these words: "He shall take care that the laws be faithfully executed." Congress makes law, the courts interpret law, the president executes law. To enable him to fulfill this duty he is given power to select subordinate officers, who are responsible to him for their actions. The people elect only one executive officer out of the 180,000 officials who administer the law and conduct the business of this great nation. The president is chosen by the people. All the other civil servants of the United States are appointed directly by the president or by officers whom he has chosen. Thus the whole civil service rests upon the shoulders of the president. We hold him responsible for the execution of our law and we must, therefore, give him power to control by appointment and dismissal the agents who carry out his policy.

The more important officials are appointed by the president "by and with the advice and consent of the senate." The advice of the senate as a body is never sought by the president, but the members as individuals play an important part in selecting officials. Indeed, it is the custom to allow members and representatives of the president's party to make nominations for offices within their respective districts, which practically amount to appointments. This is not necessarily a bad custom, for in filling the multitudinous offices the president cannot make a personal examination into fitness of candidates except in the case of a

few of the most important positions, but with the conception of public office as party spoil that has prevailed among our politicians this plan of distributing appointments among congressmen has resulted in an inferior civil service. Party loyalty rather than fitness for the government service has too often been the qualification for office.

In the selection of the eight heads of our great departments who constitute the cabinet, in the appointment of foreign ministers and of judges the independent judgment of the president appears most clearly and on the character of these appointments the success or failure of an administration chiefly depends.

THE PRESIDENT AS COMMANDER-IN-CHIEF

It is the business of the president to execute the law under all circumstances. In times of peace the United States marshals and their deputies are sufficient to enforce law. But to arm the president for all emergencies that may arise in the discharge of his executive duty he is made commander-in-chief of the army and navy of the United States and of the militia of the several states when called into the service of the union.

As commander-in-chief of our military and naval forces in times of national peril the president becomes a most potent sovereign. When a crisis demands coercion his power approaches that of the old Roman dictator. The supreme military and the chief civil authority center in his person. With a backward glance over three centuries of most eventful history Mr. Bryce says: "Abraham Lincoln wielded more authority than any single Englishman has done since Oliver Cromwell." The reserve force which our presidency develops in the presence of danger to the republic is a vital feature of our system of government.

THE PRESIDENT AND FOREIGN AFFAIRS

Turning from the domestic to the foreign field we find the president exercising large diplomatic power. Until the recent war with Spain we frequently congratulated ourselves that through our isolated position we were comparatively free from the intricate and delicate international relationships which involve European nations in constant difficulty and danger, but now our foreign relations are of great and growing importance. The president makes our foreign policy. He appoints our diplomatic representatives and he makes treaties. But there, again, he acts "by and with the advice and consent of the senate." The treaty is negotiated by the department of state, but it must be submitted to the senate for ratification and a two-thirds vote is necessary for approval. The power of the senate is negative. It cannot initiate, but it may reject. And this it frequently does. The last important action of this sort is deeply impressed upon the public mind—the rejection of the arbitration treaty which President Cleveland's administration had negotiated with England.

THE PARDONING POWER

The pardoning power is a traditional attribute of sovereignty and our president possesses it in unqualified form. He may pardon all offenders against the United States except those who have been convicted on impeachment process. Even the gravest offense known to our law—treason, a conspiracy against the life of the nation itself—may be pardoned by the president. This power imposes on our chief executives a responsibility which has weighed more heavily upon some of them than all the rest of their official duties. As ex-President Harrison remarks: "It is

not a pleasant thing to have the power of life and death." This same oppressive responsibility rests upon the governors of our states with reference to offenses against state law, although in many of the states a board of pardons shares with the governor the burden of final determination of the fate of offenders against the peace of the commonwealth.

THE PRESIDENT AND CONGRESS

The work of the president is not confined to the enforcement of law. He co-operates in the making of law. He has no power of initiation in legislation except that in his annual and special messages to congress he may "recommend to their consideration such measures as he shall judge necessary and expedient." If the majority party in both houses of congress is of his political faith and if he is a man of strong personality his recommendations have great weight and he becomes a positive force in legislation. The control of the patronage gives him great influence in congress if he chooses to use it to promote certain legislation. However, he cannot appear in congress, either personally or through his cabinet officers, to urge measures in which he is interested, and our peculiar theory that the executive and legislative branches of our government should be entirely independent has in the past caused quick resentment of anything which savored of direct interference by the president with congressional action. The White House is at one end of the city of Washington and the capitol at the other end, and we have been taught that the relations of president and congress should be as remote as their places of abode. Nevertheless, as we have observed the advantages of the English parliamentary system, which requires the cabinet and parliament, executive and legislative, to work in invariable harmony, we have begun

to doubt the wisdom of our plan and to encourage closer relations between the body that makes and the persons who execute our law. However, if the political opponents of the president are in power in congress they still think it good politics to embarrass the administration by ignoring its recommendations or even by steering a counter course to that pointed out by the president as "necessary and expedient."

THE VETO POWER

But whatever may be his positive influence in shaping legislation the president always has in reserve the veto power. This may not enable him to get such legislation as he wishes, but it makes it possible in most cases to prevent legislation which he disapproves. He cannot make alive, but he can kill. The veto forces a reconsideration and a two-thirds vote in both houses to put a law on the statute books without the assent of the president. And in the case of all bills passed within ten days of the adjournment of congress the president has an absolute veto, as was explained in the article on law-making.

The veto was given to the president to realize our theory that the executive and legislative authorities in our national government should be balanced against each other in order that neither might overshadow the other. The president must faithfully execute without modification the laws made by congress in pursuance of constitutional requirement; the officials whom he selects to assist him are appointed subject to the approval of one branch of congress, and the executive negotiations with foreign nations are likewise subject to senatorial review. So congress may act as a check on improper exercise of the presidential power. On the other hand the president is given the veto power that he may check unwise action on the part of con-

gress. The veto is qualified, not absolute, because we recognize that the final authority must rest with the representatives of the people in congress assembled and not with an individual, and that while the executive should have power to force reconsideration and second passage by a decisive majority it would be unsafe to intrust to any single man the final determination of legislation.

This review shows that our president has adequate powers for the ordinary conduct of business and that when occasion demands he may develop extraordinary power for dealing with emergencies. But we have long ceased to fear an executive tyranny. Congress holds a tight rein over the president through the control of appropriations. Even when his party is in power in congress he has less authority than the prime minister of England, and when he has to deal with a hostile majority he can under normal conditions do very little except keep the wheels of administration moving in the well-worn ruts.

FREDERIC W. SPEIRS.

IV. THE PRESIDENT'S CABINET

THE EXECUTIVE DEPARTMENTS

The administration of our national government is conducted by the president through eight executive departments. The number of the departments and the duties of each are determined by congress, since the constitution makes no provision for their organization. It simply mentions them in a single clause, which reads: "The president may require the opinion in writing of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices."

Congress at first organized only four departments—state, treasury, war and justice. But as the volume of executive business increased new departments were provided to share the burden of administration.

THE CABINET

The chiefs of the eight departments form an advisory board for the president, which we call a cabinet. The name has an interesting origin. It was borrowed from England, where it has been in use since the close of the seventeenth century. The legal body of advisers of the crown at that time was the privy council, but as this council had grown large and unwieldy Charles II. chose occasionally to ignore the general body and to consult a few selected members, who met in his private room or cabinet. Soon this select body was popularly known as the cabinet council. At the time our government was established this advisory body, the cabinet, composed of the chief administrative officials of the kingdom, was highly influential in



THE CABINET ROOM

English government, and it was very natural for our chief executive to follow English precedent and to constitute the heads of departments an advisory council under the popular name of cabinet. Thus our cabinet came into existence.

ENGLISH AND AMERICAN CABINETS

But the English cabinet and the American cabinet are now alike only in name. The English cabinet, which began as a simple advisory council, has during the last two centuries gradually absorbed all the power which was originally exercised by the crown. The queen is now a mere figurehead of government. The prime minister and his cabinet govern Great Britain by the grace of the house of commons. The prime minister is always the leader of the majority party in parliament. When his party loses power he must resign, together with all his colleagues in the cabinet, and the leader of the opposite party which has triumphed in the house must form a new cabinet. The English cabinet is, therefore, practically an executive committee of the house of commons, dependent upon a party majority in the house for its existence.

The American cabinet is very different. The president is independent of congress and so the direct and intimate connection between the legislature and the executive, which is the vital characteristic of the English cabinet system, is quite wanting on our side of the water. Again, the action of the British cabinet is joint action. The prime minister chooses his associates and may freely displace them, but the policy of the government is determined not by the prime minister but by agreement among the cabinet officials, and the responsibility for action rests on the prime minister only through his choice of his associates. In our government the president is alone responsible for

administration. He may consult his cabinet or he may not, as he chooses. If he takes its advice he assumes full personal responsibility for the resulting action. He may freely overrule the judgment of a cabinet officer, even in his own department. He may, if he will, reduce the secretary of a department to the position of an upper clerk. Practically, of course, the president chooses men whose advice he values and therefore follows. Cabinet meetings are held frequently, but many administrative matters are settled by private conference of the president and the secretary of each department.

A brief glance at each of the departments that are represented in the cabinet will show how wide in scope and varied in kind are the administrative duties of the president and his executive associates.

THE SECRETARY OF STATE

The secretary of state holds the position of highest honor in the cabinet. He is sometimes called the premier of the cabinet, but that title is quite inappropriate so far as it suggests that his position corresponds to that of the English premier. The secretary of state is nothing more than the chief officer of a single department of large importance. Such leadership as he possesses outside of his department is due entirely to his personal qualities and not to his official position. These personal qualities are usually of high order. It has always been customary for the president to choose for that position the most eminent and thoroughly trained statesman of his party who is available.

The secretary of state has only one legal prerogative above those of his fellow cabinet officers. The law of succession to the presidency provides that the members of the cabinet shall stand next in line to the vice-president

and at the head of the cabinet for this purpose is placed the secretary of state. Two lives are between him and the chief magistracy of the United States, but the faint possibility that he may be called upon to fill that high office until a new president can be elected gives him a certain pre-eminence in the cabinet.

DIPLOMATIC AND CONSULAR BUREAUS

His department is charged with the delicate and highly important duty of managing our foreign affairs. Through the diplomatic bureau of the department all of our political business with foreign governments is transacted. We have at the court of every civilized nation of importance a diplomatic representative, whose official rank varies with the importance of the nation to which he is accredited. The highest rank in the diplomatic service is that of ambassador and that title is held by our representatives in Great Britain, France, Germany and Italy. To the countries of less importance are sent envoys extraordinary and ministers plenipotentiary, and ministers resident.

The ambassadors and ministers of other countries are formally received by our president in person, but after the initial presentation they transact the business of their governments through the state department and rarely meet the president except for social purposes.

A second bureau in the state department stands for another kind of foreign relation. The consular bureau with its 1,200 employes has the mission of guarding our commercial interests in foreign countries and extending them whenever possible. The diplomatic bureau sends a single ambassador or minister to the seat of government in each country; the consular bureau sends a consul to each important commercial centre in a country. For instance, we have an ambassador in Great Britain resident at London;

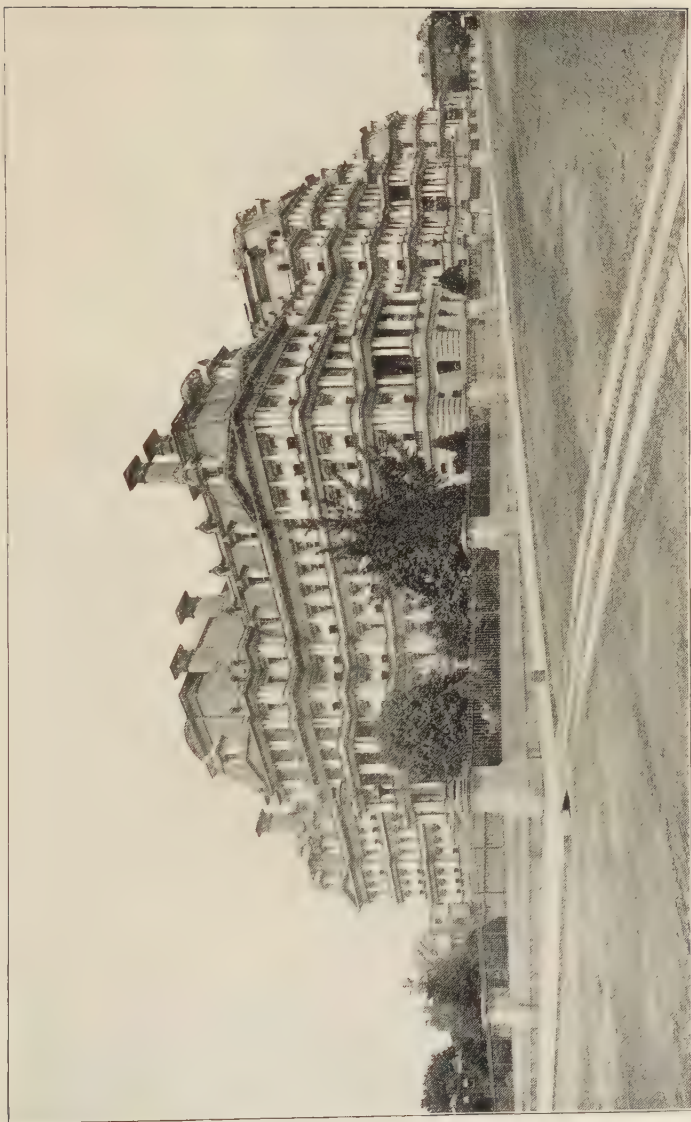
we have consuls at London, Liverpool, Birmingham, Leeds, Manchester, Sheffield, Glasgow, Cork and Dublin. Great Britain has an ambassador at Washington; she has six consuls distributed through our great commercial cities.

In addition to their general duties of protecting and furthering the commercial interests of American citizens our consuls are required to furnish information in response to queries sent out from the consular bureau. The information collected by the consuls is published in the form of consular reports and much valuable material is thus made available.

THE TREASURY

Next in importance to the state department stands the treasury. This department has two chief functions—the collection and disbursement of our national revenue and the management of our currency system. Our ordinary revenue for the fiscal year ended June 30, 1898, was \$405,321,335. The collection of the revenue resolves itself mainly into the maintenance of custom houses and the sale of internal-revenue stamps. The money thus collected is turned over to the treasurer of the United States, who holds the immense sums committed to his care subject to the appropriations of congress.

On the disbursing side the most important treasury officer is the comptroller of the treasury. He is the watchdog of the treasury—the officer who has the duty of making sure that the public money is rightfully expended. He has the power of final decision as to the lawfulness of a claim on the treasury, neither the secretary nor the president himself having the right to revise the decisions of the all-powerful comptroller.



STATES, WAR AND NAVY BUILDINGS, WASHINGTON

THE CONTROL OF THE CURRENCY

The management of our currency system is a most important part of the duty of the treasury department. Three chief officials are concerned in the supply of our currency. The director of the mint manages the bureau that issues the coin; the director of the bureau of printing and engraving has charge of the making of all of our paper money and the comptroller of the currency supervises the issue of the national-bank notes.

The treasury department also has attached to it the somewhat incongruous duties of the life-saving service and coast survey, the administration of the immigration laws and the supervision of the construction of public buildings all over our union.

THE ARMY AND NAVY

The duties of the war and navy departments are so fully suggested by their names that description is unnecessary. Until the recent war our standing army of less than 30,000 men did not require a very elaborate nor expensive organization for its management. About \$50,000,000 was usually appropriated for the war department annually, but only about \$23,000,000 was expended on the army, the rest being spent by the engineering service in improving rivers and harbors and for fortification work. Now we must look forward to a large permanent increase of military and naval expenditure and the departments will increase in importance correspondingly.

THE ATTORNEY-GENERAL

The department of justice has at its head the attorney-general, who is the legal adviser of the president and congress, and the attorney who prosecutes and defends

suits for and against the United States. He also supervises the United States district attorneys and the United States marshals.

THE POSTOFFICE

The national government comes into most intimate relations with its people through the mail service. The gray-coated mail-carrier and the red letter-box embody the federal authority to tens of thousands of people who never realize their personal relations with the United States government in any other way. At the center of the maze of detail involved in our greatest government enterprise sits the postmaster-general with his hand on the wires that control 73,000 postoffices, spending \$98,000,000 in 1898. The office of postmaster-general for the colonies was created by the continental congress in 1775 and first filled by Benjamin Franklin. The service thus established was continued under the constitution, but the postmaster-general was not given a seat in the cabinet until 1829.

DEPARTMENT OF THE INTERIOR

The department of the interior has a most extensive range of duties. Since its establishment in 1849 it has been used as a scrap-basket to receive miscellaneous duties which did not clearly belong elsewhere. The secretary of the interior should be a most versatile man, for he must be able to pass from the consideration of rations for an Indian tribe to the interpretation of a patent law and from a question of educational policy to the decision of a pension claim. The department includes the following miscellaneous array of bureaus: The pension bureau, which in 1898 disbursed \$147,000,000 of the public money, nearly two-fifths of our total expenditure; the patent office, a most important bureau in this great industrial

country; the Indian bureau, which spent about \$11,000,000 in caring for the wards of the government; the land office, which since its organization in 1812 has surveyed and granted to settlers more than a thousand million acres of public land. It includes, furthermore, the bureau of education, the census bureau and a few minor miscellaneous agencies. The secretary of the interior surely cannot complain of the monotonous routine in his office.

THE AGRICULTURAL DEPARTMENT

The newest cabinet office is that of the secretary of agriculture. This office was created in 1889. The department is organized for the purpose of conducting experiments and giving information to the farmers of the country on all subjects connected with agriculture and stock raising. It also undertakes the duty of inspection of food products in the export trade. The much-abused but highly useful weather bureau is in the agricultural department.

INDEPENDENT COMMISSIONS

There are a few independent commissions which are not represented in the cabinet. The most noteworthy of these are the department of labor, which investigates industrial conditions; the interstate commerce commission, which regulates transportation rates and conditions, and the civil-service commission, which is charged with the conduct of examinations and the enforcement of civil-service law.

FREDERIC W. SPEIRS.

V. THE CIVIL SERVICE OF THE UNITED STATES

THE PUBLIC SERVICE

The public service of the United States is divided into three branches—the civil, the military, the naval. By the civil service we mean that which is neither military nor naval. It comprises about 200,000 places—all the offices by which the civil administration is carried on.

The public civil service comprises the following divisions: 1. The classified service. This includes that part which has been brought under the operation of the civil-service law. 2. The unclassified service. This is that part of the public service to which the law has not been applied and to which applicants may be appointed without examination.

THE PENDLETON ACT

The law to which reference is here made is the act of congress passed in 1883, known as the Pendleton act, which established the United States civil-service commission and authorized the president of the United States to promulgate rules under the law governing entrance into the public service.

This act, which is the most important in the history of our civil service, provides, among other things, for the following:

- (a) Open competitive examinations for admission to the public service.
- (b) The appointment of a civil-service commission of three members, not more than two of whom shall be of the same political party.

- (c) The apportionment of appointments according to the population of the states.
- (d) A period of probation before permanent appointment is made.
- (e) No recommendation from a senator or member of congress, except as to the character or residence of the applicant, shall be received or considered by any person making an appointment or examination.
- (f) The prohibition of political assessments by a provision that "No person shall in any room occupied in the discharge of official duties by an officer or employe of the United States, solicit in any manner whatever any contribution of money or anything of value for any political purpose whatever."

The law also provides for a chief examiner, a secretary and other employes.

THE CLASSIFIED SERVICES

Since the passage of this act in 1883 the classified service has been gradually extended under successive presidential orders to embrace more and more of the public service until now it is applied to nearly all positions in the executive civil service of the government.

The following are the chief extensions of the classified service:

Places originally classified under the act of 1883..	13,900
On March 4, 1885, increased to.....	15,573
On March 4, 1889, increased to.....	27,330
On Jan. 18, 1893, increased to.....	42,900

On May 8, 1896, by order of that date and other minor extensions, the classified places were increased to about 85,000.

The following exceptions should be noted as still unclassified :

- (a) High grade places, which are filled by appointment by the president by and with the advice of and consent of the senate.
- (b) Low-grade places filled by mere laborers or workmen.
- (c) Positions in the consular service.
- (d) Fourth-class postmasters, positions in the library of congress and a few others, mostly outside of the District of Columbia.

The extent of the classified service may be indicated, though not fully described, by the following groups :

- 1. The custom-house service, including all officers and employes who are serving in any customs district.
- 2. The postoffice service, including all who are serving in any free-delivery postoffice.
- 3. The government printing service, including all positions in the government printing office except those of public printer and unskilled laborers.
- 4. The internal-revenue service, including all officers in any internal-revenue district who may be classified under the civil-service act.
- 5. The departmental service. This division includes all employes except day laborers and persons nominated for confirmation by the senate who may be engaged in the several executive departments at Washington, the railway mail service, the several pension agencies, the steamboat-inspection service, the marine-hospital service, the lighthouse service, the life-saving service, the several mints and assay offices, the revenue-cutter service, the force under the custo-

dians of public buildings, the several subtreasuries, the engineer department, the ordnance department and many employes in the department of justice and in certain miscellaneous capacities.

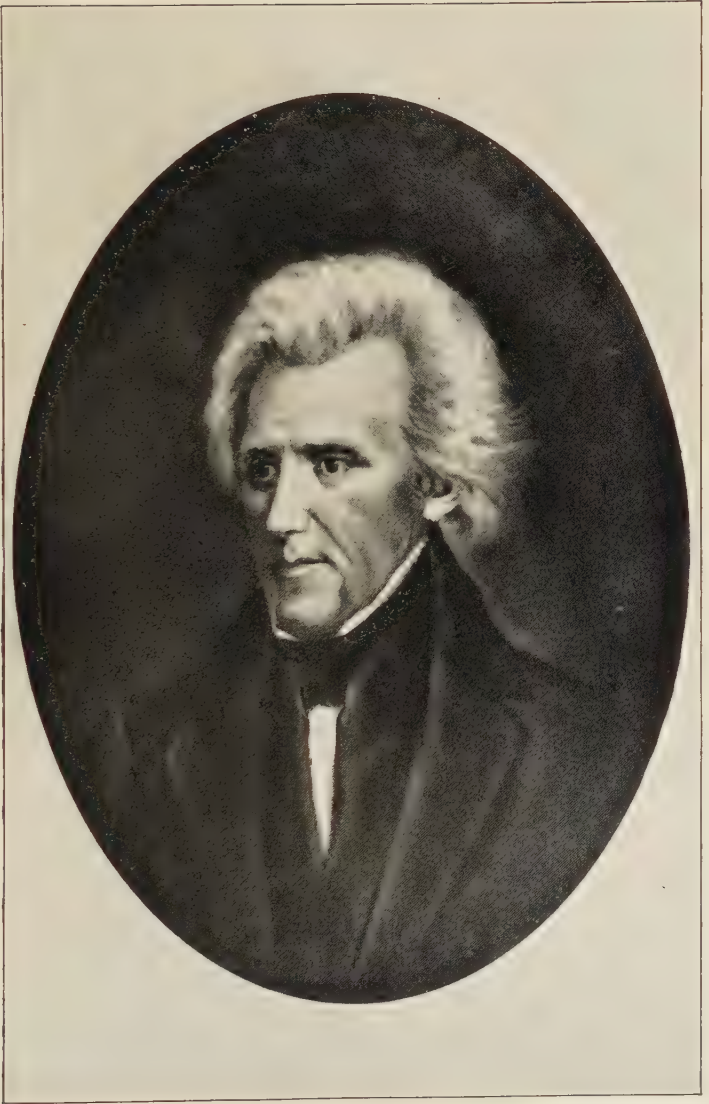
APPOINTMENT

Vacancies may be filled by transfer, promotion or reinstatement, but if not so filled they must be filled as the result of an examination. For a large part of the classified service the civil-service commission maintains registers of eligibles from which vacancies are usually filled. Examinations to replenish these eligible lists are held twice a year in at least two places in every state. The civil-service rules require that when there is a vacancy to be filled the commission shall certify from the proper eligible list the names of the three persons having the highest general average on that list and from those three persons the selection to the vacant position must be made. Only within the limit of these three names has the appointing power discretion in the matter. A man's chances, therefore, do not depend upon the influence of friends and relatives, nor upon the "political pull" which he can bring to bear, nor upon the work that he has done in the caucus or in the primary or in the elections, but every man must stand upon his certificate of character and the merit of his examination, and nothing can promote nor hinder his appointment in the order of his standing on the eligible list. After his merit has won for him probationary appointment he must then win permanent appointment by showing fitness and capacity for his special work. These are the essential features of the reformed system of the civil service.

THE MERIT VERSUS THE SPOILS SYSTEM

An article on the civil service of the United States, however brief, should not ignore the long struggle for the reform of that service—struggle against the policy of spoils. The struggle for civil-service reform has been an effort to substitute what is known as the “merit system” for what is known as the “spoils system;” to require that appointment to public office should depend not upon the applicant’s willingness to render a party service but upon his fitness to render a public service; that a public office should be administered solely in the public interest and not as a means of paying personal and party debts. It would seem that the establishment in public practice of so obvious a principle should require no contest or agitation. That the civil service should ever have been perverted and that a long struggle should be necessary to reform it are to be explained only in connection with our political history, with the rise of a party organization, machinery and usage that were entirely unforeseen by the framers of the constitution.

The practice of the early administrations was reasonable and natural. Washington required of applicants for places in the civil service proofs of ability, integrity and fitness. “Beyond this,” he said, “nothing with me is necessary or will be of any avail.” Washington did not dream that party service should be considered a reason for public appointment. John Adams followed the example of Washington. Jefferson came into power at the head of a victorious party which had displaced its opponent after a bitter struggle. The pressure for places was strong, but Jefferson resisted it. There were some removals of persons who were charged with having received their appointment for partisan reasons, but Jeffer-



ANDREW JACKSON
Seventh President of the United States, 1829-1837

son declared in a famous utterance that "the only question concerning a candidate should be, 'Is he honest? Is he capable? Is he faithful to the constitution?'" Madison, Monroe and John Quincy Adams followed in the same practice so faithfully that a joint congressional committee was led to say in 1868 that, having consulted all accessible means of information, they had not learned of a single removal of a subordinate officer except for cause from the beginning of Washington's administration to the close of that of John Quincy Adams.

THE EVILS OF THE SPOILS SYSTEM

The change came in 1829 with the accession of Jackson. The spoils system was formally proclaimed in 1832. In that year Martin Van Buren was nominated as minister to England and in advocating his confirmation Senator Marcy of New York first used in reference to public officers the famous phrase, "To the victors belong the spoils of the enemy." Since then every administration has succumbed, in whole or in part, to the "spoils system" and public places and public money have been used to reward party services and to promote party interests. It would be difficult—impossible within our space—to summarize the indictments which have been brought against the system of treating the public offices as party spoils. Here are a few of them:

It puts mercenary selfishness for public spirit as a motive for public action.

It makes party contests mere scrambles for place instead of contentions of opinions, thus turning politics, a noble field of endeavor, into mere place-hunting.

It puts the "boss," a mere political manipulator, into the place of the statesman, turning the public officeholder

from a servant of the people into a servant of a party, to whom the offices are not public trusts but party perquisites.

It corrupts the official's sense of public duty, giving him to understand that his obligation is to his party and his party patron, not to the public.

It robs the president and his chief executive advisers of time and strength which should be devoted to the public service.

It leads legislators to usurp executive functions.

It degrades representatives and senators to party office-brokers, who, like feudal lords, allot the public patronage to their retainers.

It takes the appointment from the constitutional appointing power and gives it to an irresponsible boss or to a coterie of powerful politicians.

Putting up more than 100,000 places, with millions of dollars in salaries, as the reward of a party scramble, it tends to debauch our politics, promote venality and corrupt the people.

No defense of the spoils system has ever been uttered except as the result of a low appreciation of public spirit or as the result of a misconception of the function of party in a free government. Mr. George William Curtis reports a high government official as once saying to him: "I believe that when the people vote to change a party administration they vote to change every person of the opposite party who holds a place, from the president of the United States to the messenger at my door." This misconception that public offices pertain to the party to be used for party ends may be sincere but it is no less dangerous on account of its sincerity. It serves to illustrate the fact that the merit system has had the double burden of enlightening ignorance and resisting perversity.

THE REFORM MOVEMENT

The movement for the reform of the civil service began in 1867-'68, in the XXXIXth and XLth congresses, in investigations and reports of the joint committee on retrenchment. The reports were made and the movement was led by the Hon. Thomas A. Jenckes, a member of the



GEORGE WILLIAM CURTIS.

house from Rhode Island. In 1871 an act, a section of an appropriation bill, was passed authorizing the president to prescribe rules for admission to the civil service, to appoint suitable persons to make inquiries and to establish regulations for the conduct of appointees. Under this act President Grant appointed a civil-service commission, with Mr. George William Curtis at its head. In 1872 a set of rules was promulgated by the commission regulating appointments. President Grant suspended these in 1875, although personally friendly to the reform, because congress failed to provide for the expenses of the commission.

President Hayes revised the civil-service rules and Mr. Carl Schurz made notable application of the principle of the reform in the department of the interior. President Garfield recognized the need of reform, although he believed it could be brought about only through congressional action. Garfield's assassination by a disappointed place-man increased the public demand for reform and on Jan. 18, 1883, the Pendleton civil-service law was passed.

While the progress of the new system since 1883 has been marked, the cause is not yet entirely secure. It is to be expected that politicians who depend upon patronage will resist the complete triumph of the merit system, but it is not probable that the American people, in the light of recent history, will ever permit a return to the feudalism of spoils.

AN EMINENT CIVIL-SERVICE REFORMER

In American history one name will be recognized as pre-eminently identified with the restoration to the American people of a civil service that follows the fundamental principle of American democracy—"equal rights for all and special privileges for none." George William Curtis spent twenty-five of the best years of his life in contending for the application to our civil service of this democratic principle of Jefferson and of Lincoln. His orations on the subject have enriched our political literature and they hold up before the young men of America the noblest ideals of citizenship. Whatever is due to exalted talents and to high and devoted patriotism is due from his countrymen to Mr. Curtis for his noble contributions in placing the public service of the United States upon a high and worthy plane.

J. A. WOODBURN,
Indiana University.

VI. THE FEDERAL COURTS

Article III. of the constitution pertains to the last of the great departments of the federal government, the judiciary. It provides for a supreme court and such "inferior" courts as congress may from time to time create and outlines the powers they may exercise. In this article there are three sections, six clauses and 369 words. Of these, three clauses and 254 words pertain to the construction of the courts and the delimitation of their powers. On such a foundation has been erected the colossal judicial structure which to-day is the pride of the nation and the wonder of the world.

THE ORGANIZATION OF THE COURTS

At the present time the Supreme court, the Circuit Court of Appeals, the Circuit courts and the District courts constitute the federal system. The Supreme, Circuit and District courts were authorized by the great act of 1789. This law forms the basis of the whole judicial system as it exists at the present time. With the growth of population, the increase of territory and business, expansion became necessary; but it has in the main been along the lines laid down in the act passed by the first congress under the present constitution.

The Supreme Court: According to the terms of the act of 1789 the Supreme court consisted of the chief justice and five associate justices. This number has been changed from time to time, politics playing no small part in determining the number. The number has ranged from five, the lowest, by the law of 1801, to ten, the high-

est. There are at present eight associate justices and the chief justice.

The Circuit Courts: The first law provided that the United States should be divided into six districts. The Supreme court judges were to ride the circuits, as there were no Circuit court judges previous to the law of 1801. As this law was repealed the next year, the Supreme court judges resumed their dual functions and continued to sit as a Supreme court at Washington and to act as circuit judges till 1869. In that year nine circuit judges were provided for—one for each circuit. This number has been increased until there are now twenty-five circuit judges.

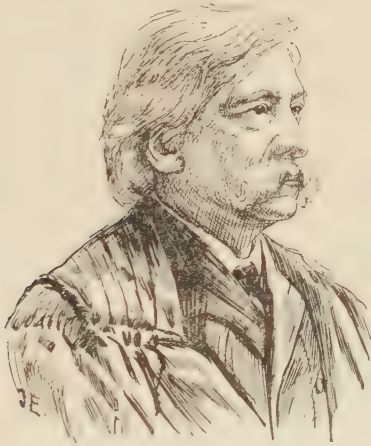
The District Courts: By the law of 1789 each state was constituted a district, with its own judge. Gradually, as new states were admitted into the union, the number was increased, till in 1898 there were seventy-two judges presiding over districts.

The Circuit Court of Appeals: This is a new court created in 1891. As the name indicates, it is closely connected with the circuits. In fact, there are nine of these courts—one for each circuit. Three judges make the court and two constitute a quorum. The composition is very complex, as the three judges constituting the court may be the justice of the Supreme court assigned to the district, the circuit judges of the circuit or the district judges in the circuit, provided that no judge shall sit as a member who has heard the case in the lower court. Ordinarily the court will be made up from the first two classes, yet it will not be the universal rule by any means.

RELATION OF STATE AND FEDERAL COURTS

These two systems are co-ordinate and, taken together, form the entire judicial system of the United States. In many cases the courts of the two systems have concurrent

jurisdiction. In order to avoid conflict that court which first gets control of the case will be left in undisturbed possession of it till the trial is completed. This is the comity of courts and makes our complex system workable. The United States courts cannot take jurisdiction



CHIEF JUSTICE FULLER.

over purely local or state causes, and in all federal questions a decision by a state court may be reviewed, under the laws of congress, in the national courts.

APPOINTMENT, REMOVAL AND SALARY

The judges of the federal courts are appointed by the president, confirmed by the senate and hold their places for life, or during good behavior. They can be removed only on impeachment by the house of representatives and conviction by the senate. Their salaries cannot be decreased during their term.

In 1802 a very interesting question arose over the pro-

posal of the republicans to repeal the law of 1801, which had been passed by the federalists in the closing days of their power. By the terms of this act the number of district judges had been increased from sixteen to twenty-three and provision had been made for eighteen circuit judges. Federalists had been appointed to all these places with the avowed purpose of "saving" one department of government from the republicans, who had just secured control of congress and elected Jefferson to the presidency. The judges were for life; they had committed no impeachable offense; therefore, since the judge could not be removed from the office, the only way left was to remove the office from the judge, which was done by repealing the law. Whether constitutional or not, this precedent has been followed in the states and seems to be recognized as a part of our unwritten constitutional law.

At present the salary of the chief justice is \$10,500 and each of the associates \$10,000. The judges of the "inferior" courts receive from \$3,500 to \$6,500 per annum.

JURISDICTION

There are several classes or kinds of jurisdiction which courts may exercise, owing to where cases may be begun, prosecuted and ended: *Original*, when a court has the right to have a case begun before it; *appellate*, when the case comes up from a court below, where the first trial was held; *final*, when the court is the court of last resort; *concurrent*, when either of two courts or systems of courts may have jurisdiction over the case; *exclusive*, when the case can come before one court or system of courts only. The United States courts, for example, have exclusive jurisdiction in admiralty cases; and the state courts in cases involving the interpretation of state laws in which no federal question is raised.

The constitution defines the original jurisdiction of the Supreme court. "In all cases affecting ambassadors, other public ministers and consuls and those in which a state shall be a party, the Supreme court shall have original jurisdiction." The Supreme court has appellate jurisdiction in all federal questions, with such exceptions as congress may make. An interesting question would be, Could congress take away all its appellate power? The whole subject of the jurisdiction of the "inferior" courts is in the hands of congress. It may distribute, change, withdraw and give as it sees fit. The distribution has varied greatly in our history, but the whole subject is so vast and complex that only a few general principles can be suggested in such an article as this. In general, there are two great classes of cases which may come before the federal courts: The one dependent on the *character of the parties* to the suit—if they live in different states the federal courts have jurisdiction from the mere fact of diverse citizenship; the other dependent on the *subject matter*—if the question at issue is the constitution, laws or treaties of the United States, then it may be brought before the federal courts. This is not an exhaustive enumeration, but it indicates the main lines. It should be noted that cases in both "equity and law" are included within the scope of the federal courts. In recent years the courts are beginning to take a common-law jurisdiction also. In the constitution as construed by the court in *Chisholm versus Georgia* a state might be sued by a citizen of another state. The eleventh amendment, presented to the states in 1794, became a part of the constitution in 1798 and took away this right. It has also been held that a state cannot be sued by its own citizens except by its consent; hence at present a state is, like the United States, unsuable.

Appeals: The Circuit Court of Appeals was created to relieve the Supreme court from its congested state, due to the vast number of cases that had to go to it for final adjudication. In general, all appeals from the state Supreme courts are made directly to the Supreme court of the United States. Appeals from the United States District and Circuit courts go to the Supreme court if the issue involves the constitution, laws and treaties of the United States; issues which depend on the citizenship of the parties go to the Circuit Court of Appeals, and, with some exceptions, the decision there made is final. In a certain class of cases the amount involved is the determining element in appeals, while in other cases the question at issue is the all-important factor.

PERSONNEL OF THE COURT

The federal courts have, with rare exceptions, been filled with men of great intellectual attainments and high moral character. This has been especially true of the Supreme court.

Only seven men have ever been confirmed to the office of chief justice—Jay, Ellsworth, Marshall, Taney, Chase, Waite and Fuller. Of these John Marshall stands easily first and near the head of the jurists of modern times. Justices Story, Miller, Field and others have also contributed to the development of our public law and to the determination of the nature of our constitution. The present court consists of Chief Justice Fuller and Justices Gray of Massachusetts, Harlan of Kentucky, Brewer of Kansas, Brown of Michigan, Shiras of Pennsylvania, Peckham of New York, White of Louisiana and McKenna of California. Politically there are, or were, six republicans and three democrats.

GREAT CASES AND DECISIONS

Almost every clause in the constitution has been before the Supreme court one or more times for interpretation. In fact, the constitution has grown as much, perhaps, through judicial action as through action by the president and congress.

Without much doubt, the most far-reaching decision of all was in the case of *Marbury versus Madison*, in 1803, when it was held that the court had the right to declare a law unconstitutional, null and void which in the judgment of the court came into conflict with the constitution. This is a unique power. In most of the great nations of the world, even yet, the courts only have the power to declare the meaning of the laws—to interpret them; they do not have the power to declare them no laws. We have become so familiar with this thought that we have come to accept it unhesitatingly, almost unquestioningly. But is it so self-evident that the court rather than the people's representatives, the president and congress, should have this power? The answer, perhaps, must be found in the attempt made in our constitution to separate the departments of government and make the one a check upon the other. It is essentially a conservative constitution, and this power constitutes one of the checks placed upon the too radical action of public opinion.

The *Dartmouth college* cases in 1819 held that charters are contracts, hence protected by the clause in the constitution which forbids a state to pass a law impairing the obligation to contracts. This decision has been greatly narrowed in its effects by later decisions, especially by the *Charles river bridge* case of 1837 and the *Hyde Park* case in 1878. The case of *McCullough versus Maryland* (1819) held that the United States had the right to in-

corporate a national bank, hence affirmed the doctrine of "implied powers" and the broad construction of the constitution. The same case decided that the states could not tax the instrumentalities of the national union nor could the latter tax state means of government.

The Dred Scott case of 1857 aroused more interest, perhaps, than any other case in our history, since it was so closely connected with an exciting political question. Without doubt, it intensified the feeling at the time, hence made the possibility of compromise between the two sections even less than it otherwise would have been. The case which doubtless has been more far-reaching in its effects than any other decided since the civil war was the slaughter house case of 1873. The court in this case gave an interpretation to the fourteenth amendment which, when supplemented by the civil rights case of a few years later, left practically unchanged the spirit of the constitution in regard to the distribution of power between the states and the union. The opinion of the minority of the court would have transferred the control, or at least a large part of it, of the everyday life and affairs of the individual citizen from the state and the local powers to the national government. The states then must have sunk, to mere administrative districts, related to the United States much as the counties are to the states.

POLITICAL INFLUENCE

The influence of the federal courts, and of the Supreme court especially, has been of vast moment in our political and constitutional development. The national tendencies and decisions of Marshall, the high character of the court, the vigor of its reasoning, have been very potent factors in giving to the court the reverence almost of the American people. In no small sense is it true, as Prof. Burgess

has said, that our government is the government of the "robe." The influence of the lawyer and the jurist has been tremendous in determining the character of the unwritten, the more live part, of our constitution. The American people will respect the courts just so long as they are worthy. If the time should ever come when the jurist thinks not of justice and the great common interests of all, just at that moment power will pass from it to its natural successor, the legislature. The latter is essentially radical, the former conservative. The conservative can depend only on its high character, for it has neither force nor power to back it in its decisions.

HOWARD W. CALDWELL,
University of Nebraska.

VII. THE GOVERNMENT OF A STATE

The previous studies in this course on the national constitution simplify our work, for to a great extent the principles of the federal and state governments are the same. Historically they are progressive developments of the same forces. The federal government was adopted from the state governments of the revolutionary period. These may be traced to the colonial charters, which in turn are evolved forms of the charters granted to the great trading companies of the time of Elizabeth and James I.

RELATION OF THE FEDERAL AND STATE GOVERNMENTS

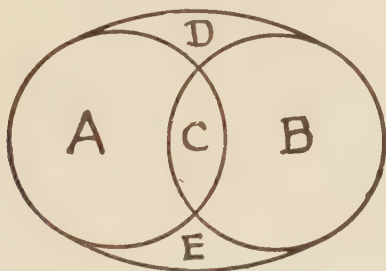
Whether the states or the union came into existence first is one of the much-disputed points in American history, as is also the question whether the states were ever complete sovereignties. The latter point was finally settled only after the greatest civil war, perhaps, which history records. Since about 1870 one hears little or nothing of the state's right doctrine in the old sense of the words.

However, it must be noted that the federal government has only such powers as are given to it, either expressly or by implication. On the other hand, the states have all power which has not been granted to the union or reserved by the people to themselves. The union has only *delegated* powers; the states have original, or *inherent*, powers. They are the legatees of power and must be presumed to have it unless it can be shown that the power has been taken away.

The union has control of the theatrical parts of life—it brings within its sphere those things which impress the

imagination. War and peace and international affairs come within its cognizance. On the other hand, the states have to do with the simple, plain things of life, yet those that concern very intimately the common weal. In part at least for these reasons the American people have given insufficient thought and attention to the state and local governments. It seems to have been felt that these "little things of life" were scarcely worthy of consideration.

The relations of the national and state governments may be very vividly illustrated by Mr. Tiedemann's diagram given in his work on "The Unwritten Constitution."



The larger circle indicates the totality of governmental powers.
 Circle A = the powers delegated to the United States.
 Circle B = the powers reserved to the states.
 Segment C = the concurrent powers.
 Segment D = the powers prohibited to both.
 Segment E = the powers prohibited to the states but neither prohibited nor delegated to the United States.

The character of our governmental system is well expressed by Chief Justice Chase in his description of the union as an "indestructible union of indestructible states." It may, perhaps, be affirmed that such a union makes democratic government over such a vast empire as ours possible. The common interests are provided for by the union, while the local, peculiar needs are left to the direction of the states. The latter are as important as the former—a

fact which we as a people are too apt to forget. The states without the union would destroy each other in their rivalries. The nation without the states would have to assume control of local interests and needs and thus not only endanger individual liberty but also arouse resistance on the part of those sections that felt they were ignored or oppressed by the majority.

STATE CONSTITUTIONS

Making: The people of each state are free to make their own constitutions in their own way, subject only to the limitation that they must not include any provision which contravenes any power granted to the federal government. The first constitutions were framed by the legislatures and became binding without ratification by the vote of the people. In 1780 Massachusetts introduced the principle of the constitutional convention—a body specially created for the formulation of a plan for a fundamental law, or constitution. This plan was then voted on by the people and became binding only after their ratification.

The Referendum: This submission of the fundamental law to a vote of the people introduced the principle of the referendum into our political life. It seems that it might be extended in the states and local governments to the fuller realization of the democratic idea—the essential thought for which the American people have stood.

Length: The early constitutions were short and general in their terms. The increasing complexity of life has brought new matter into them. The desire to limit definitely the powers of the people's representatives has also tended to increase their length. The extent to which this development has gone will be better understood by a few illustrations. The New Hampshire constitution of 1775, excluding the preamble, contained about 600 words.

while the recent constitutions of South Dakota and Missouri each contain more than 25,000 words.

Stability: Changes both in frequency and extent have been much greater in the state constitutions than in the federal. Louisiana and Georgia have each had six constitutions; Virginia and South Carolina, five; Pennsylvania, four; Ohio and Michigan, two. These figures illustrate the tendency. Amendments also have frequently been made when no complete revision has been attempted. The movement in all the revisions has been two-fold—one tending to increase the power of the executive and the judiciary; the other to guide the legislature if not actually to limit its powers. The governor almost everywhere has obtained the veto power, while the advisory councils have in general disappeared. On the whole, the tendency of the recent constitutions is such as to cause one to wonder if the people begin to mistrust their own capacity to govern themselves. Increased power and greater responsibility may be the better remedy. If so we have been moving in the wrong direction.

Subject Matter: The constitutions usually contain five parts. The first defines the state's boundaries. The second contains the bill of rights. The third deals with the frame of government—i. e., names the officers and defines their powers and duties. The fourth has to do with general administrative questions, as education, police powers, local government and other public questions. The last division contains provisions in regard to the method of revising or amending the instrument itself.

THE DEPARTMENTS OF GOVERNMENTS

As in the nation, so in the states there are three departments of government, kept as distinct as possible.

The Executive: The name governor has become uni-

versal as the title for the chief executive. In most of the states there is a lieutenant-governor, who is usually the presiding officer of the upper house.

The other executive officers vary, but usually there will be a secretary of state, a treasurer, an auditor or comptroller, an attorney-general, a superintendent of education, and in the newer western states a commissioner of public lands and buildings. Besides these officers, usually elected by the people, there will be boards, ordinarily appointed, for the management of the state's eleemosynary institutions. These state officers in no sense form a cabinet for the governor, as do the heads of departments in the federal government for the president. Each state officer is responsible either politically to the people or through process of impeachment to the legislature.

The Legislature: At the time of the formation of the federal constitution Pennsylvania, Georgia and Vermont had unicameral legislatures. At present the dual, or bicameral, assembly is universal. In general the upper house is called the senate, is chosen for a longer period than the lower and contains fewer members, whose terms in many states do not all expire at the same time. The separate houses stand for no distinct principles. The only reason left for the existence of two houses rather than one is found in the hope that one may be a check on the other. It is, however, an open question whether good measures do not suffer as often as bad ones are prevented. In a single body there would be more responsibility. The possible chance to do some real work would be increased and abler men called into its chambers. A single house would certainly be more democratic, hence more in harmony with our political boast.

The real life of the state, as of the nation, ought to

centre around the legislature, but the people by their constitutions have limited the length of its sessions as well as their frequency. In some states forty days in every two years, except in cases of emergency, is the limit of the legislative period. To suppose that well-digested action can be taken in that time in a state with a million people, perhaps, is an absurdity.

The Judiciary: The courts vary greatly in name. There will always, however, be a supreme court under some title; circuit or district courts, embracing two or more counties; county courts, and, in the older states, separate probate courts. In addition to these higher courts there will be justices with a limited jurisdiction and various municipal courts. The tendency, in the west especially, is to unite the law and equity jurisdiction in the same court. In our early history the judges were usually to hold office during good behavior. At present they are elected, or appointed in some cases, but almost always for a limited term of years. The growth of the democratic idea has in the main been responsible for the change. The very latest constitutions seem to mark a reaction and a tendency to return to appointment and to a longer term.

THE WORKINGS OF THE STATE GOVERNMENTS

In general the legislation is not of a high type. In part this fact is due to the great national problems which the American people have had to solve. The interpretation of the constitution, foreign affairs, slavery, expansion of territory, have been great and fascinating problems. Good roads, clean streets, public health, high morals, general education, are in the long run equally, even more important. Yet how little of our real energy have we put into their solution. And now, just as we are getting interested

in these state questions, we want to become a great world power, to have a great navy and annex Hawaii and the other islands of the sea.

The problem of taxation in the states has been wofully mismanaged. Enormous debts have been piled up, to be in some cases repudiated, in others paid at the expense of the great body of the people, because of the vicious principles of assessment. It is time that the American people were waking up to the fact that no permanently successful national life can exist which is not based on the highest local development. Local government in county, city, township and school district is wholly in the hands of the state. The whole problem is an unsolved one. The state in its entirety cannot be safely neglected longer.

HOWARD W. CALDWELL,

University of Nebraska.

VIII. MUNICIPAL GOVERNMENT

The nineteenth century will figure in history as the age of the growth of great cities. Until our own century population was widely distributed in little towns and villages and cities were few and relatively small. But with the invention of the steam engine and the application of machinery to industry cities became industrial centers and began to grow with marvelous rapidity. In Europe as well as in our own newer country cities sprang up as by magic and many of the most important towns abroad are hardly older than our own great cities.

This massing of population in crowded centers which has characterized our century has given rise to the most serious governmental problems with which we have to deal. The city is the smallest area of government that we have discussed, but it is by no means the least important. Several of our great cities have larger revenues than the states in which they are located, and in many respects the mayor of a metropolitan city is a more important executive official than the governor of a state.

RELATION OF STATE AND CITY

Legally the city is the creature of the state. Its government is organized under a charter granted by the state legislature and this charter is subject to modification by the legislature at any time. The legislatures of some of our states have interfered so constantly and so injuriously in purely local affairs that there has developed a movement for "municipal home rule" which has led to the insertion in several of the state constitutions of a clause prohibiting

special and local legislation. This provision makes it difficult for the legislature to meddle unduly in local affairs, for its laws must be of general application.

GENERAL FORM OF CITY GOVERNMENT

The form of city government varies widely, but in general it is a close reproduction of state and national organization. There is a municipal legislature—the city council—usually bicameral in form, like the state legislatures and congress. This council exercises legislative powers conferred by charter. The chief executive, the mayor, elected independently, has the veto power, and thus the check and balance system which characterizes the state and national governments is applied to municipal government.

THE MUNICIPAL COUNCIL

The city council is usually composed of two houses. The size of the bodies varies greatly. San Francisco has thirteen councilors; Philadelphia has 170. The upper house, generally called the board of aldermen, is the smaller body and its members have a longer term than those of the lower house. The council is usually constituted on the principle of ward representation, but there is a growing tendency to elect at least part of the councilors on a general ticket, that they may represent the interests of the city at large rather than the interests of the people of a particular ward. Boston, Buffalo, St. Louis, Omaha, San Francisco and several other important cities have adopted the system of representation at large. There is also a marked tendency to apply the principle of minority representation to city councils. Thus in Boston a law of 1893 required that each elector should vote for only seven of the twelve aldermen to be chosen. A strong demand is developing for proportional representation in city councils—

that is, a system in which the councilors shall be elected at large and each party be represented in the councils in proportion to the total vote which it casts in the city.

The organization of municipal councils is very similar to that of the legislative bodies we have already studied. Ordinances are referred on introduction to standing committees; but, since the bodies are small and the volume of business not overwhelming, the standing committees have less real power than those of the legislatures of state and nation. The ordinance-making powers exercised by the council are usually carefully enumerated in the city charter. These powers generally cover all local administrative functions, including raising and expending the city revenue. But New York and Brooklyn have a peculiar plan of a special board of estimate and apportionment, consisting of five members, which has complete control of the finances.

THE MUNICIPAL EXECUTIVE

The proper character of the executive organization is the most important question in city government. The general plan in American cities has been to allow the people to elect with the mayor the chiefs of the more important executive departments. Thus such officials as the street commissioner and the water commissioner were elected independently. But in the larger cities where corrupt and inefficient government prevailed it was felt that independent election of a large number of executive officials was partly responsible for evil conditions, since it was thus impossible to locate responsibility. The division of authority between councils, the mayor and the various independent executive officers was so complicated that it was difficult to hold anybody to account. With the purpose of abolishing this confusion of powers and of making it possible to definitely fix responsibility for city government several of

the larger cities have greatly decreased the number of executive officials independently elected and have concentrated power in the hands of the mayor by allowing him to appoint most of his executive associates. In some cities the mayor has thus been given such absolute control over the administration that the system of city government is frequently called the dictatorship of the mayor.

THE MAYOR AS DICTATOR

The government of Philadelphia affords a good illustration of this form of organization of the executive. The charter provides for three great administrative departments—the department of public works, the department of public safety and the department of charities and correction. The department of public works includes the bureaus of water, of highways, of street cleaning, of lighting, of surveys, of city property. The department of public safety includes bureaus of police, of fire, of health, of building inspection, of boiler inspection, of electricity. The department of charities and correction is subdivided into a bureau of charities and a bureau of correction. Each of the departments of public works and of public safety is administered by a single salaried director; the department of charities and correction is administered by a board of four unsalaried directors. All of these directors are appointed by the mayor and the directors in turn appoint the chiefs of bureaus and all the subordinate officials. Thus, directly or indirectly, the mayor of Philadelphia appoints all the civil servants engaged in conducting the public works, in guarding the public safety and in caring for the dependent and delinquent classes. The entire administration rests upon his shoulders. He has it in his power to give the city good or bad government as he wills.

This extraordinary power is justified by the theory that

the single elected official who has power to dominate the whole administration will be selected with care and judgment, while if numerous elected officials divide power it will be more difficult to arouse the civic interest which secures wise choice. Good mayor, good government; bad mayor, bad government. This is reduction of the problem of city government to its simplest terms. The most ignorant and indifferent citizen can hardly fail to grasp the significance of a mayoralty election under this system. The system has been applied in many large cities where bad government was rife under the old plan of divided responsibility and with few exceptions it has been notably successful in improving conditions. The man who stands before the public in the white light of full responsibility for the character of the government is under strong compulsion to be honest and efficient to the full extent of his capacity.

MUNICIPAL GOVERNMENT ABROAD

In striking contrast with this modern American system of governing cities by balancing a powerful mayor against a municipal legislature is the European system, in which the municipal council is all-powerful and the mayor, elected by the council, has so little authority that he easily becomes a mere figurehead. Selecting the British system for purposes of comparison, we find that British towns are governed by a municipal council constituted upon a plan quite different from any in use in our own country. The large towns are generally divided into sixteen wards and each ward is represented in the council by three members elected for three years, one member being chosen each year. The council thus constituted proceeds to choose sixteen aldermen for a six-year term. The aldermen and the councilors elected by the people sit as one body. This

municipal council chooses the mayor and all the other administrative officials.

Thus the British system of municipal government rests entirely upon the council. The people of each ward choose one councilor each year. This is their only responsibility. The council not only makes the ordinances—it selects and controls the officials who administer them. In this way perfect unity of administration is secured. The conflict which sometimes arises between our independent mayor and the city council is made impossible. Perfect responsibility is obtained, for the body that makes the law can absolutely control its administration.

HOW TO GET GOOD GOVERNMENT

European cities are notably well governed. Inefficiency and dishonesty are exceptional in foreign cities. They are characteristic of ours. The natural tendency is to ascribe the better government prevalent in Europe to their plan of organization. Undoubtedly the perfect unity and simplicity which they secure by putting all administrative function in the hands of the council has something to do with their good government. But there is some truth in the old maxim.

“For form of government let fools contest,
That which is best administered is best.”

European cities secure good government because their citizens demand it. The Englishman or German looks upon municipal government as a business enterprise. He pays taxes and in return he receives the benefit of well-kept streets, cheap transportation, a good water supply, an efficient police force. He chooses his representative to the council because he believes that representative an honest and capable business man. Plundering the public treasury and wasting the public resources appear to him as crimi-

nal as robbing a private individual. In our country we are slowly moving toward this business conception of city government. In the past we have allowed political bandits flying a party banner to plunder our cities almost at will. Appealing to party loyalty these conspirators have blinded us by flaunting national issues in our faces and have quietly robbed us meantime. But the appreciation of the need for simple business honesty in city government is growing and we may soon be able to substitute the past for the present tense in Andrew D. White's oft-quoted declaration: "American cities are the worst governed in Christendom—the most inefficient, the most corrupt."

FREDERIC W. SPEIRS.

GREAT BRITAIN

GREAT BRITAIN

TWO TYPES OF FREE GOVERNMENT

The Anglo-Saxon race has produced two distinct types of democratic states. One may be described as the cabinet type, illustrated in England, Canada and the Australian states, and the other is the presidential type, exemplified in the United States. The English colonies in America were founded at a time when the English nation was engaged in a desperate struggle to determine the metes and bounds of its own constitution. As an incident of this struggle, one king was beheaded and another was driven from the realm and his family disinherited. The party in England opposed to despotic rule were led to assert that the authority of the nation was above that of the king; that the house of commons, being the most direct agency of the nation, was superior in authority to king or lords. The result of the struggle in England made good the claim that parliament is of higher authority than kings, because, since the two houses declared the throne vacant in 1688, no monarch has ruled in England except by parliamentary title. It made good the claim that the house of commons is superior to the house of lords, because it was the commons who waged a successful war against Charles I., and it was the commons who constituted a court for the punishment of the king for high treason.

THE PRESIDENTIAL SYSTEM

For eleven years after the execution of the king in 1649 England enjoyed a peaceable and orderly government without a king. During this period the English tried to govern themselves as a commonwealth, under a written constitution made by the representatives of the people. They recognized the distinction between legislative, executive and judicial business, and there was an attempt to place these various sorts of business in separate hands and to balance one against the other.

We find here the first grand distinction between the presidential and the cabinet systems of government. The English who were in America at the time of the revolution in 1649 were, some of them, already living under written constitutions, called charters. They went on making and amending written constitutions in the various colonies. The distinction between the legislative, executive and judicial functions of government grew in America more and more distinct. When the colonies separated from England in 1776 there had already been 150 years of experience under written constitutions—150 years of more or less distinct separation between legislative, executive and judicial functions. In many of the colonies legislation was in the hands of representatives chosen by the people, while executive and judicial business was administered by appointees of the king of England. It was perfectly natural then that at the time of the American revolution each of the thirteen colonies should adopt a written constitution and that the colonists should replace the appointees of the king by officers chosen by the people. Thus the thirteen states all adopted the presidential type of free government. A little later, in 1787, a constitution was framed providing for the same form for the general government

of the United States. The fundamental feature of this type is found in the separation of legislative, executive and judicial business, while a chief person—president or governor—is placed at the head of the executive.

THE ROYAL PREROGATIVE

In England, after the eleven years of effort to establish a commonwealth, the monarchy was restored. From time immemorial power had been centralized in the hands of the king in parliament or the king in his council. Legislative, judicial and executive business had not been sharply distinguished. Kings had always succeeded in getting judges who would decide cases affecting royal prerogative as they were ordered to decide them. After the puritan revolution the high courts were still subject to the king's will. James II. secured judges who were as arbitrary and brutal as any ever known in English history. Executive and legislative power was likewise centralized in the hands of the king alone, or in the hands of the king in parliament. Part of this power had received the name of royal prerogative, and could be exercised by the king without consulting the two houses. It was by royal prerogative that the king controlled the judiciary. If a particular judge would not do his will he was removed and another appointed who would. On the other hand, the two houses of parliament can do nothing legally without the king. The monarch is an essential part of parliament. The legal parliament includes the monarch. In all cases where the two houses apart from the monarch, or one house alone, has acted on behalf of the nation, the act is accounted irregular and revolutionary. The two houses could do nothing which is accounted legal without the king. The king, without the two houses, can legally act in all matters covered by royal prerogative. As to just

how far royal prerogative extended was a matter never definitely determined. The Stuart monarchs maintained that royal prerogative extended to every sort of governmental business, legislative and administrative. They held that it was the duty of the two houses to give effect to the king's policy. In case the two houses failed to co-operate in any matter which the king deemed important or essential, then it was the duty of the king to act without the houses. James II. wanted his parliament to repeal certain laws punishing his subjects for refusing to conform to the rules of the established church. The parliament, failing to comply, the king issued an order, known as the act of indulgence, by which he intended to accomplish his purpose without the co-operation of the houses. Thus, by the royal prerogative, the king was attempting to override an act of parliament. Upon the issue thus raised James was driven from the throne and William and Mary were made king and queen in his stead. This is called in English history the great revolution. The revolution is accepted as settling the question that in respect to all those matters upon which the two houses have acted or are accustomed to act the king must act with the houses. He cannot, by royal prerogative, take matters out of the hands of the houses. This is all that the revolution settled. There was still no answer to the question as to how the king and the houses could act together in harmony. All business was still centralized in the hands of the king and the two houses. They were even more closely united than ever. A few years after the revolution a law was passed which effectually removed the judiciary from the control of the king. The statute simply made the tenure of the judges permanent—that is, they could not be removed except for cause and upon the joint petition of the two houses. Upon the basis of this act there grew up a strong and independent judi-



JAMES II

Succeeded to the English Throne, 1685; Deposed, 1688

ciary. It would now be accounted scandalous for either the king or the houses to interfere in any way with the independence of the judiciary.

ORIGIN OF THE CABINET

Parliament also made various efforts to regulate by law the executive business of the government—that is, to establish a legally restricted and regulated executive. These efforts all failed. It was because of this failure that the cabinet system grew up. The cabinet system never was planned or adopted at any one time. It simply grew. It was by means of the cabinet that a way was found to enable the king and the two houses to work together in harmony, and at the same time retain both executive and legislative business in the same hands. In this respect the cabinet system differs radically from the presidential.

Before the revolution there had grown up two organic political parties, which have remained to the present day. This may be called the first step in the formation of the cabinet system. The system requires the presence of two political parties, the leaders of one of which hold the chief places in the government, while the leaders of the other stand ready to take the offices at any time. Cabinet government is the government of a party, and it is necessary that there shall be another party whose leaders are ready to assume control of the government.

PARTY MINISTRIES

After the revolution William III. and Anne found it necessary or convenient to select as their chief ministers the leaders of the political party which for the time had a majority in the house of commons. During these two reigns there were several changes from whig to tory and from tory to whig ministries, corresponding to similar



THE HOUSE OF COMMONS IN WALPOLE'S ADMINISTRATION.
From A. Fogg's engraving of a picture by Hogarth and Thornhill.)

changes in the house of commons. This we may call the second step in the evolution of the cabinet.

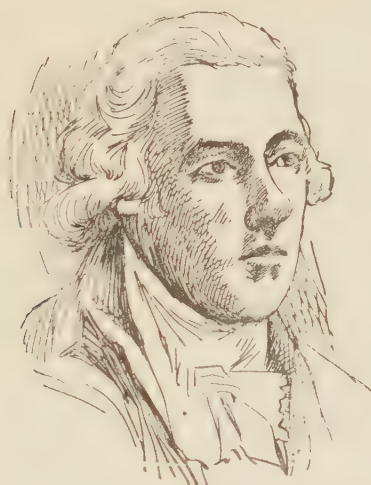
George I. was a foreigner who understood neither the English language nor English politics. Many of the Tories favored the restoration of the Stuarts, and the king therefore placed himself in the hands of the Whig leaders. There was unbroken Whig rule from the death of Anne, 1714, to the accession of George III. in 1760. Sir Robert Walpole was made prime minister in 1721 and continued in office for twenty-one years. Walpole had the full co-operation of the king; first, of George I., and after his death that of George II. He had as prime minister the full prerogative of the crown, because all the time the kings were in danger of the threatened Stuart restoration. He had a house of lords which he could easily control by offices and patronage. By persuasion and bribery and by various exercises of the royal prerogative, such as the distribution of offices and interference with elections, he maintained a continuous majority in the house of commons. Since George I. could not understand English, the prime minister formed a habit of conferring with the chief officers of the government in secret meetings apart from the king, and, having in such meetings agreed with his associates upon a policy, he would proceed to secure the king's assent. In this way the government, both as to legislative and executive business, passed into the hands of a small body of the chief ministers, who determined their policy in secret and afterward secured the approval of both the king and the two houses. This was the third great step in the development of the cabinet. It was a government by a Whig oligarchy, which had gathered to itself both royal prerogative and legislative control. The success of such a government is explained by the fact that throughout the time of the first two Georges the restoration of the Stuarts was threatened.

The kings were whig by compulsion; they were obliged to yield to the whig leaders, who could control the two houses.

KING VERSUS CABINET

Upon the accession of George III. there was no longer any danger of a Stuart restoration. The king was a tory and he set himself to destroy the whig system of government through a secret cabinet. He would have the minister individually responsible to himself. He would himself control the two houses by the exercise of royal prerogative. During the ministry of Lord North, which included the period of the American revolution, the cabinet system was suspended. The king governed and commanded his tory majorities in parliament. With the loss of the colonies the king's policy was discredited. William Pitt became prime minister in 1783 and continued in that position to the end of the century. He may rightly be called the restorer of the cabinet. He secured for the cabinet the direct and public recognition of all parties. He made a frank issue with the king to the effect that it was the king's duty to give full support to measures agreed upon in the cabinet; that the king should use the cabinet and only the cabinet as a means, or channel, for political influence. The securing of public recognition and the raising of this issue was a distinct advance in the development of the cabinet. It was now evident that the cabinet was the one agency left which could limit the power of the king. With the limited suffrage, by means of an established custom of bribery, by interference at elections and by other uses of patronage it had come to be a comparatively easy matter to make up majorities in the two houses. If only the king could get full control of his ministers, he would have just such a government as the Stuarts desired—that is, an absolute despotism.

The issue raised by Mr. Pitt on behalf of the cabinet in the contest with George III. was not settled until about the time of the great reform act of 1832. The issue involved, the question as to whether the power described as royal prerogative should be exercised by the king or by the cabinet. English lawyers had uniformly held to the doctrine that the king can do no wrong—that is, that the monarch could not be punished. There had also grown up the doc-



WILLIAM PITT.

trine that for every official act some one should be answerable to the courts of law. The practical effect of these two doctrines was that the king can do nothing at all. The officers of the cabinet held that, since as ministers they were punishable for all official acts, the cabinet as a whole should assume the entire responsibility of the government. They conceded that the king had a right to be informed of all important intended action, that, being informed, he might seek to dissuade or he might seek to modify that

action; but that, in the end, the king must yield to the decisions of the cabinet and must give to its policy his loyal support. A few years before the passage of the reform act George IV., after a life-long opposition, was forced by a united cabinet to give his assent to the act for Catholic emancipation. While the debate upon the reform bill was in progress William IV. was forced against his will to dissolve parliament. The country was in a condition bordering upon revolution. The house of commons had twice sent the bill to the house of lords and twice it had been rejected by large majorities. The cabinet then induced the king to give a written statement to the effect that if the lords still refused to pass the bill he would create enough new peers to pass it. In view of this threat the peers yielded. This may be accepted as the final great step in the development of the cabinet.

THE CABINET MADE DEMOCRATIC

Previous to the reform act there was nothing about the cabinet which was democratic in its tendency. On the contrary, the cabinet drew to itself the independent power of the two houses. It did this by the use of royal prerogative; that is, by the expenditure of public money for purposes of bribery, by the use of the offices and honors controlled by the king, by changes and modifications of voting constituencies, by the creation of peerages. By these and other agencies cabinets and kings had together reduced the two houses to mere tools. The only recourse left to the people was revolution or threats of revolution. The formation of the cabinet was itself a quiet revolution. It was the formation of a secret body unknown to the law, which gradually gathered to itself the powers of the two houses, while at the same time sharing with the king the exercise of royal prerogative. With the act of 1832 and the various

measures which have been adopted since, the cabinet has been completing the revolution by drawing to itself the whole of royal prerogative, or all the powers of the crown. It will be observed that this form of government is called an oligarchy, and is usually associated with the worst of tyrannies. This surely would have been the result had not the act of 1832 inaugurated a revolution of a different sort. It was a direct appeal to the democracy of England. It created a new, representative and unpurchasable house of commons. By the method of carrying the bill the understanding was reached that the house of lords is distinctively subordinate to the house of commons. This new house of commons represents a widely distributed voting constituency. With the new house thus constituted the cabinet must make its peace. This it can do by fulfilling its wishes, and the house itself can maintain its position by fulfilling the wishes of the voting constituency. Thus 200 years after the tyranny of Stuart kings had driven liberty-loving Englishmen across the ocean to establish free institutions in the new world, a way was found in the old country for the democracy to have its will.

RECENT REFORMS

The reform act of 1832 was the beginning of the development of the democratic constitution. Statutes immediately followed extending popular government to cities and poor-law unions. In 1856 civil-service reform was introduced by statute. This was an important democratic measure. From time immemorial the offices had been used to influence votes in the two houses. With the establishment of this reform the power to influence voters by the bribery of office was removed from the government. When one cabinet is driven out of office and a new cabinet is formed, from forty to sixty of the highest officers in the govern-

ment are changed. All of these officers are at the same time members of one or the other of the two houses. These officers, as a body, are called the ministry. From fifteen to twenty of the chief ministers are in the cabinet. Thus the ministry always includes the cabinet, but the cabinet does not include the whole of the ministry, though it does contain the most influential members of it. The ministers are all of one political party; they are all responsible for the policy of the government; they stand or fall together. But the patronage of the government ends with the appointment of these forty or fifty chief executive officers who make up the ministry. The other officers in the civil service are not members of parliament. They do not belong to the party in power. They hold office permanently, under all parties. Under this system the party in power has no advantage over the party out of office in the matter of influencing voters. There was an act passed in 1868 greatly extending the franchise, and still another in 1885. Under these various acts the suffrage has been extended to all but a small fraction of the adult male population. Since 1885 popular government has been extended to counties and parishes and it has been greatly amplified in towns and cities. Democracy has had a slow and sure growth. It seems, however, to be as firmly established now in England as in any country in the world, unless it be Switzerland.

THE UNWRITTEN CONSTITUTION

The Canadians have a cabinet government and also a written constitution. But the English constitution is for the most part not written. This is another important distinction between the English and the United States government. The American constitution is a part of the law of the land. It is indeed the supreme law, while the Eng-

lish constitution is not law at all. It is a mere understanding reached oftentimes as violation of law. At the so-called great revolution, when the understanding was arrived at that kings should no longer attempt to rule against the will of parliament, no law was passed to that effect. It was simply an understanding that henceforth the king and the two houses should rule together. It is likewise a mere understanding that the monarch may not by royal prerogative encroach upon the domain of the two houses, while the two houses may encroach upon the domain of royal prerogative.



SIR ROBERT WALPOLE.

The cabinet is itself not a creation of law. It grew up as a secret, disreputable body. Those who were forming the cabinet were for a long time led to deny the existence of such a body. It was nearly a century after the formation of the secret body before it was boldly recognized as

a permanent part of the government. Then this secret body claimed to be the exclusive agency of the king, and finally it drew to itself the whole of royal prerogative. The formation of the cabinet was not only without law, it was a violation of law. The privy council was the legally recognized agency of the king for advice and administration. After the habit of secret meeting had grown up, laws were passed requiring the use of the privy council, yet the secret meeting went on, gradually gathering to itself all the powers of the privy council. The old council is still the legal administrative body. Cabinet officers are all of them privy councilors. Whenever the cabinet wishes to perform a legal act, one or more of its members meet with the queen and go through the form of legalizing that which had been previously determined upon. It is likewise a mere understanding that the cabinet and the ministers who act with it in the two houses shall resign office in a body—that is, the ministers stand or fall together. They are jointly responsible for the acts of each. If the executive business is so badly conducted as to lead to a vote of censure in the house of commons the ministers all resign, or they dissolve parliament and seek vindication at the hands of the voters. If, in such a case, the ministers are returned with a majority in the commons who will support them they do not resign. All this is part of the constitution, but there is no law requiring any such conduct.

According to English law the monarch is still in possession of all the high prerogatives which have not been taken away by statute. Yet, according to the constitution, the monarch can exercise no prerogative affecting seriously the well-being of the realm. The queen acts only upon the advice of the ministers. The ministers are responsible for every act. According to the modern democratic theory of the constitution it is the duty of the monarch to give ef-



SOMERSET HOUSE, LONDON



THRONE ROOM, WINDSOR CASTLE, LONDON

fect to every measure which the cabinet deems necessary to the state. Here again law and constitution are in conflict, or at least not in apparent harmony. Nothing in English law suggests the subordination of the house of lords to the house of commons. Yet this principle is firmly fixed in the modern democratic constitution. These and many other principles of the English constitution are mere understandings which have grown up in the course of recent English history.

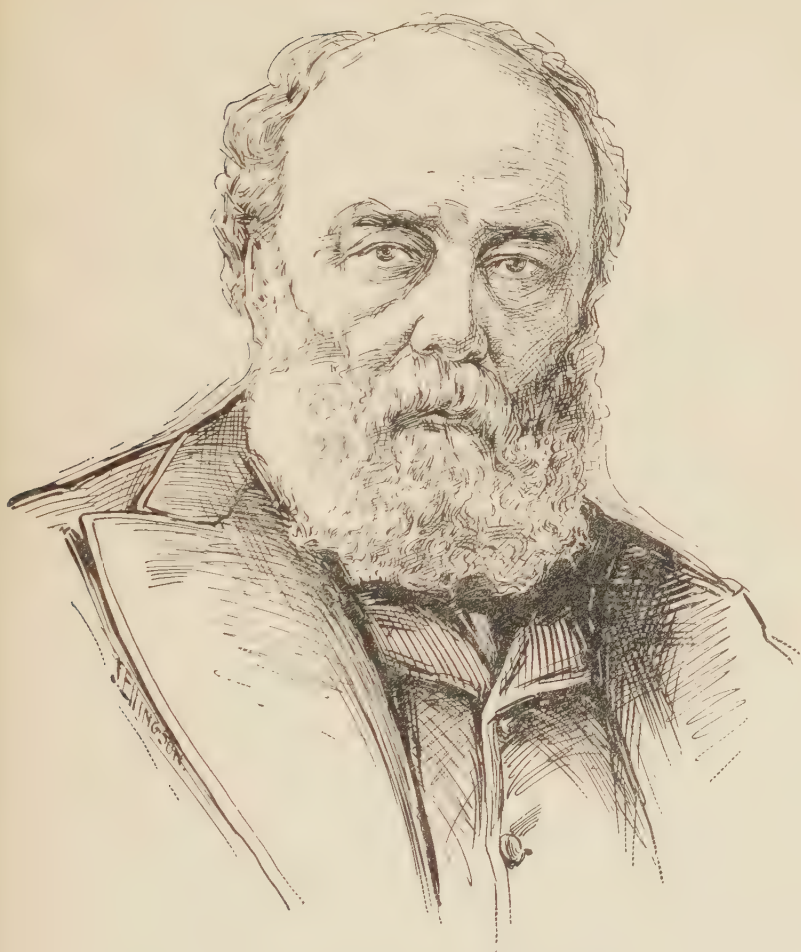
ENFORCEMENT OF ENGLISH CONSTITUTION

This, then, is the second grand distinction between the English and the American government. In one country the constitution is written, in the other it is not written. The question is often asked, How is the English constitution enforced? In America our constitutions, state and federal, are a part of the law of the land, and there are courts to guard and enforce them. In England the constitution is not a part of the law; it is not recognized by the courts. The English constitution is enforced in the first instance simply by an appeal to public opinion. Under the cabinet system the government is much more sensitive to public opinion than is possible under a presidential system. The cabinet holds in its hands all power, legislative and administrative. It is the duty of the cabinet to find a way for the enforcement of the will of the nation. If one cabinet will not do this it may be turned out of office and another installed which will. According to the democratic constitution the cabinet has all power and all responsibility. It is in accord with a majority of the house of commons or else it cannot be a cabinet. If the lords refuse to give effect to measures of the commons it is the duty of the cabinet under the circumstances to force the hand of the lords. The cabinet now has in its hands the exercise of

royal prerogative. Yet to exercise royal prerogative requires, legally, the co-operation of the monarch. As to just what would happen in case the monarch refused to accede to the will of the nation, the only answer that can be given is by an appeal to history; and the answer that history gives to such a question is that such monarchs have been deposed or executed. Some monarchs have also been adjudged insane and a regency appointed. By one or another of these methods it is the duty of the democratic cabinet to control royal prerogative. Then, with royal prerogative in the hands of the cabinet, the forcing of the hand of the lords is an easy matter. All that is necessary is simply to threaten to create enough new peers to pass the measure under dispute. But the lords may set up the claim that the commons do not represent the nation; they maintain the position that they are the true representatives of the democracy of England. Now, it is one of the understandings of the constitution that the commons have no right to force the lords unless at the same time they are themselves in accord with the nation. The lords then have a right to reject a measure sent to them for the first time. If the cabinet are determined, they may appeal to the country on the measure in question. That is, they may dissolve parliament, and if they then secure the election of a house which supports them they may proceed to the extreme act of creating new lords to pass the measure. Thus the constitution not being law may not be enforced as law; it is observed and enforced by an appeal to public opinion by political processes.

CHECKS AND BALANCES

A third important distinction between the cabinet and the presidential systems of government is in the matter of checks and balances. In the presidential system the execu-



LORD SALISBURY, PREMIER OF GREAT BRITAIN.

tive is a check upon the legislature and the legislature upon the executive. In the cabinet system executive and legislative business are in the same hands, with the cabinet alike responsible for both. This is true of all cabinet governments, even where there is a written constitution, as in Canada. If the constitution is written the judiciary may serve as a check upon the cabinet—that is, the judiciary may hold that an act of the legislature is void because not in harmony with the constitution. But this judicial check is not possible in a country like England, where the constitution is not law. The English courts may punish an individual minister for violations of law. But the courts cannot set aside an act of parliament, neither can they intervene to prevent a violation of the constitution through the administrative policy of the cabinet. In England anything is law which parliament enacts in the regular way. If the interpretations of courts were not pleasing to an English cabinet they could at once change the law, and the courts would be bound to accept as law whatever the parliament enacted.

The house of lords is indeed a serious check upon the commons, and it is a legal check, too, for the commons can do nothing without the lords. It is only at rare intervals and in respect to matters of unusual importance that it is possible for the commons to force the lords to yield to a measure. A few years ago the lords rejected a home-rule bill for Ireland. The liberal cabinet dissolved parliament and appealed to the country and were defeated. Thus the opposition of the lords led to the defeat of the measure. Legally the lords have equal power with the commons, except that they may not introduce nor amend a money bill. In respect to all other matters their power is legally co-ordinate with the commons. It is only through the growth of the democratic constitution since 1832 that the lords

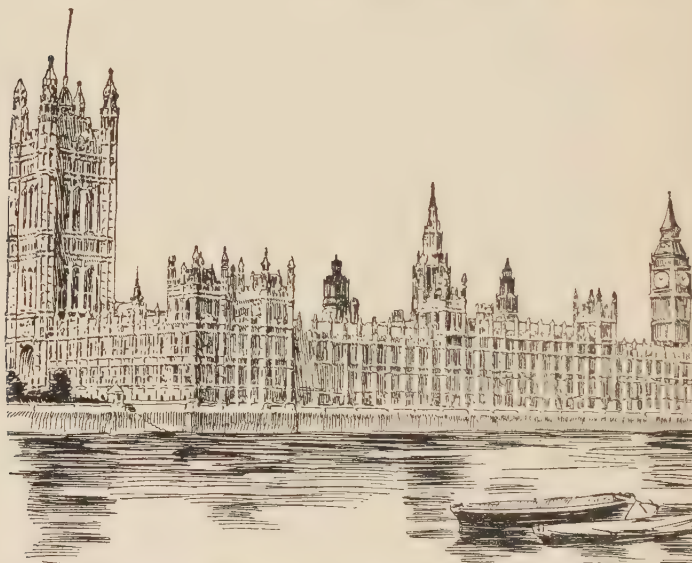
have been subordinate to the commons. There is nothing democratic about the structure of the house of lords. It continues to live by the toleration of the English democracy. It is well understood that if the lords should become overobstructive it would be reorganized along democratic lines or it would be abolished.

The monarch is also a legal check upon the cabinet. It is only upon the extreme democratic theory of the cabinet that it exercises in itself all royal prerogative. The cabinet must secure the co-operation of the monarch. To do this it modifies its programme in pursuance of royal suggestion. Americans remember with gratitude that it was through the influence of the queen and Prince Albert that the way was made easy for the avoidance of war between England and the United States in the Mason and Slidell incident at the beginning of our civil war. The monarch is a check, a constant modifying influence, upon the cabinet. Though the crown has lost its independent veto power, the monarch has yet an opportunity to approve or disapprove all important measures before they are submitted to the two houses. As in the case of the house of lords, if a monarch should arise who should prove obstructive and unresponsive to the wishes of the democracy, the office would be abolished or reconstructed. Thus in England the legal checks upon the cabinet are found in the undemocratic parts of the government—the crown and the house of lords—which continue to exist by the sufferance of the English democracy.

POLITICAL CHECKS

But the real life of the modern cabinet is found not in its relations to the house of lords and to the crown, but in its relations to the commons. And here there is nothing legal; all belongs entirely to the realm of custom and un-

derstanding. The cabinet must, in a sense, be master of the house or it cannot continue to be a cabinet. It must command its majorities. In the old days when majorities were purchased by money and office the relation was one of contract. But that has passed away since the civil-service act of 1856. The democratic cabinet can control



THE PARLIAMENT BUILDINGS, WESTMINSTER, LONDON.

the house only by satisfying the demands of the house, by yielding to its wishes, by giving expression to its aspirations. The cabinet, in a sense, guides and controls the house of commons; in a sense the house guides and controls the cabinet. It would be difficult to imagine a body of men whose conduct was more effectively checked and guided at every point than is the case of the English cabinet in the house of commons. Cabinet

officers in the commons sit on the government bench at the right of the speaker. They face the leaders of the opposition, who occupy the corresponding bench on the speaker's left. Behind and to the right of the cabinet sit the members of their own party, who usually vote with them. Mr. Bagehot quotes a wit who looked upon the long rows of members of the commons and pronounced them "the finest company of brute voters on earth." But these men are not mere brute voters; they have, many of them, minds of their own. On the government side of the house there are always those on the point of desertion or whose support is uncertain. Any important measure which the cabinet brings in is sure to encounter more or less opposition among their own supporters. There may be lukewarm supporters among the ministers who are not in the cabinet. The cabinet must be ever sensitive and open to suggestion from members of its own party, and at the same time it must pursue a resolute and reasonably consistent course. The action of the cabinet is thus constantly modified by members of its own party.

But this is not all. The cabinet faces a company of men equally skilled with themselves in all the arts of politics and statesmanship. These men have themselves been cabinet officers. In a few weeks or a few months, or at most in a few years, they expect to be cabinet officers again. It is the business of the leaders of the opposition to discover and bring to light every weak point in the policy of the government. Not only is the legislative policy of the cabinet brought under public notice in the house of commons, but their administrative business as well. If soldiers have been supplied with bad boots or bad meat the secretary of war is called upon to explain by one, perchance, who has himself been secretary of war or one who is an expert in the business in hand. There are daily questions whereby

the conduct of the cabinet is called in question. The legislative programme of the cabinet must encounter the criticism of this skilled opposition. If weak points are exposed the cabinet may adopt amendments. It often happens that votes on amendments to cabinet bills are carried in the commons. This always tends to discredit and weaken its position. It is much better for the government to forestall defeat by adopting the proposed amendment before the vote is taken. A cabinet may, however, make up its mind that a proposed amendment shall be defeated. In that case they give definite warnings to the house that they consider the amendment destructive to the main purposes of the bill. This means that if the amendment is carried after such a notice they intend to dissolve parliament. The cabinet stakes its life on every important measure it introduces. It must not allow itself to be defeated on a measure involving its main purpose. The government after introducing a bill may become convinced of their inability to pass it. In that case they may prolong their existence by withdrawing the measure before defeat. Thus in the house of commons the cabinet has its conduct checked and modified at every stage by members of its own party, and more especially by the trained and experienced opposition. This applies not only to legislative measures but to executive business as well. An English cabinet could not live two hours if there were a well-grounded suspicion that "embalmed beef" had been furnished to British soldiers. A vote of censure would be carried and the government would resign. The cabinet must not only face a trained opposition in the house of commons, it must face an intelligent constituency in the country at large. A cabinet may be all powerful in the house, it may be able to carry its measures by brute votes, and yet the English public may rise up and demand a change. It has happened time



HOUSES OF PARLIAMENT, LONDON
From the river

and again that a popular agitation throughout the country, followed by a demonstration in Hyde Park, has induced the government to change its policy. The English newspapers are trained to habits of continual watchfulness over the deeds of their government. The cabinet, with the approval of the nation, can do anything at any time. There is no written constitution, there are no legal checks which can stand against a united nation, there are no courts whose decisions may hamper its action. The members of a cabinet cannot therefore excuse themselves by a plea of lack of power. Backed by a united and insistent nation, they have all power. This gives an intensity of interest to English politics which it is difficult to attain in a presidential government, where power and responsibility are divided up and placed in separate and independent hands. The cabinet performs all its duties, executive and legislative, in the open light of day. It is constantly arraigned before an alert and trained opposition, both in and out of parliament. It is responsible to the people and must fulfill their demands.

CHANGE OF MINISTERS

The working of the cabinet system may be best understood by noting carefully the methods of change from one cabinet to another. We may assume that the conservatives are in power and that they have incurred a defeat in a cabinet bill, or that they have incurred a vote of censure for executive misconduct. It is possible in such a case for the cabinet to resign and another cabinet to be organized in the same parliament. Usually, however, at such a time the cabinet does not resign, but appeals to the country—that is, it dissolves parliament and the election of a new house of commons occurs immediately. At such an election the voters have in mind a choice between two leaders



HER MAJESTY, THE QUEEN.

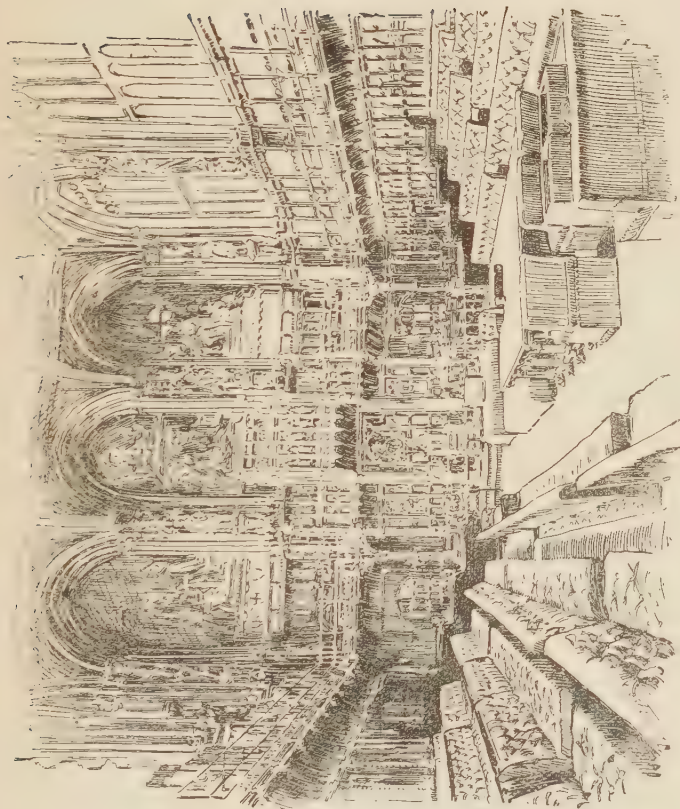
of the opposing parties as prime minister. Voting for a conservative candidate means to the voter the choosing of a conservative cabinet; it is now virtually a vote for Lord Salisbury for prime minister. A vote for a liberal candidate is a vote for Sir William Campbell-Bannerman as prime minister. At such an election we may assume that the liberals have a majority in the new house. Then Lord Salisbury will go to the queen, hand in his resignation and advise the queen to send for Sir William Campbell-Bannerman. The queen will appoint Sir William Campbell-Bannerman to any office he may choose. She cannot appoint him to the office of prime minister, because in English law there is no such office. She may make him secretary for foreign affairs, and then she will ask him to advise her as to the proper person to appoint to each of the other fifty offices made vacant by resignation. Sir William Campbell-Bannerman will consult with the liberal leader of the house of lords and possibly a few other liberal leaders, and they will make up a list of statesmen to act with themselves in the liberal cabinet. The liberal cabinet, thus formed, will agree upon a list of influential liberals to fill the other vacant places in the ministry. The queen appoints upon the recommendation of the prime minister. In the new house the liberals will take their places to the right of the speaker and the conservatives will occupy the seats of the opposition. Some members of the cabinet are always in the house of lords, but, of course, membership in that house does not change, and the liberals are always in the minority there.

CHOICE OF A CABINET

Now, just how is the cabinet chosen? The queen appoints its members to the legal offices which they fill. Yet

we may conclude that the queen has little influence in determining just which officers shall be included in the cabinet. She appoints them merely as a legal form upon the recommendation of the premier. It is often said that the house of commons chooses the cabinet. Many Americans get the impression from English authors that the commons actually vote upon the appointment of cabinet officers, as does our senate. Nothing of the sort occurs. At any time the commons may drive the cabinet out of office—that is, it may refuse to support the cabinet. But even then, before resigning the cabinet may turn the members of the house out of office first and compel them to incur the risk and the expense of a new election. Only thus does the house choose the cabinet. But do not the electors choose the cabinet? Certainly. In electing a new house of commons the voters do determine within narrow limits who shall fill the cabinet offices. But, after all, do not the political parties really determine the personnel of the cabinet? Surely there is much truth in this view. Each of the two great parties must select and maintain a leader who is actually prime minister or is a perpetual candidate for the office. The office of premier is strictly a party office. Each of the parties must also choose a leader for the other house. If the party leader is a lord then the party must have a leader for the commons. These two leaders chosen by each party have the determining influence in the formation of a ministry.

But, possibly more important than all, the cabinet officers choose themselves. A statesman becomes a party leader by making himself a leader. The parties recognize and appoint to the positions of leadership the men who are seen to possess and to exercise the qualities of leadership. Gladstone more than once sought to escape the responsibilities of leadership, but he was continued in the office be-



THE HOUSE OF LORDS.

cause he could not rid himself of the habit of leading. By a similar law Lord Beaconsfield held the position of leader of the conservatives. The party chose him to be their leader because, as a matter of fact, he had made himself leader. As it is with the prime minister so it is with the leader of the other house and the other statesmen who hold the chief places in a cabinet. The men choose their political career and train themselves for leadership in their chosen fields. There are, therefore, five acts or sources of influence, not one of which may be omitted in a proper understanding of the genesis of the cabinet. First, the queen appoints. This is legal and formal. Second, the cabinet cannot continue to exist unless it retains the support of a majority of the commons. In this negative way the house is said to choose the cabinet. Again, when a new house is elected the voters determine who shall be the next prime minister. But there can be no prime minister unless the parties agree upon some one as their leader. Finally the parties agree upon that one as leader who has developed and exercised a conspicuous power of leadership.

JESSE MACY,
Iowa College.

FRANCE

FRANCE

DESPOTISM AND DEMOCRACY UNITED

The old-time classification of governments into monarchies, aristocracies, democracies, no longer suffices to characterize any of the complex modern states. In France, perhaps more than in any other country of modern Europe, we have the extremes of democracy and monarchy combined. The French people have led the world in their advocacy of democratic equality and their theories of the rights of man have revolutionized modern states; but, on the other hand, not even the despotism of the czar is more completely centralized in form than is the administration of France. The government of France is fairly described as a democratically organized legislature combined with an administrative despotism.

This somewhat peculiar combination of different forms of government into one came about naturally enough. When the old monarchy went to pieces in the storm of the French Revolution the old forms and ceremonies of the court were swept away, but there still remained the need for a firm government by the executive. The revolutionists were well versed in the theories of the rights of man, but they did not understand independent local self-government. They replaced the spies and agents of the previous despotism by boards of their own selection; but these also were controlled from Paris. And when later Napoleon,

bringing order out of chaos, became the controlling power in the state, it was but an easy task for so great a master of administrative detail to replace the boards by single officials, responsible to himself, to place under them subordinate officials likewise responsible to their superiors, until from the center he could touch and shape the affairs of every commune at his will. Since the days of the great Napoleon we have had republics and monarchies repeat themselves, but through them all has lasted the form of administrative organization which he established; and to-day, under the third republic, the president or the minister of the interior, standing in Napoleon's place, can punish, and at times does punish, the mayor of a small municipality for any act of maladministration or even for the expression of political opinions distasteful to the government. If, however, this act of the minister of the interior is displeasing to a majority of the legislature (the chamber of deputies elected by the mass of the French people) this same minister of the interior may forfeit his position. Thus despotism and democracy unite.

ADOPTION OF THE CONSTITUTION

The present constitutional laws of France doubtless owe part of their peculiar form to the circumstances under which they were made. The national assembly elected on the 8th of February, 1871, to arrange terms of peace with Germany after the Franco-Prussian war, found itself compelled to undertake to carry on the government, and that a government more or less republican in form, although a large majority of the assembly were monarchists in belief and sympathy. Divided into three separate factions among themselves, neither of which could control a majority, and fearing that if they were dissolved and a new assembly elected it would be republican in character, they at length



EMILE LOUBET
Late President of France

decided to frame a constitution and establish a permanent form of government without referring the matter again to the people. It was natural that a constitution framed by monarchists but establishing a republic should be brief and somewhat vague in its main provisions and should leave practically all matters of detail to be shaped by future action. This constitution, too, was neither submitted to the people for their approval before its adoption, nor does it require further submission to the people to secure its amendment or even its complete revision, a national assembly composed of the two houses of any legislature sitting in joint session being sufficient for either. The main provisions of government laid down in this constitution and in subsequent legislation follow.

TERRITORIAL DIVISION

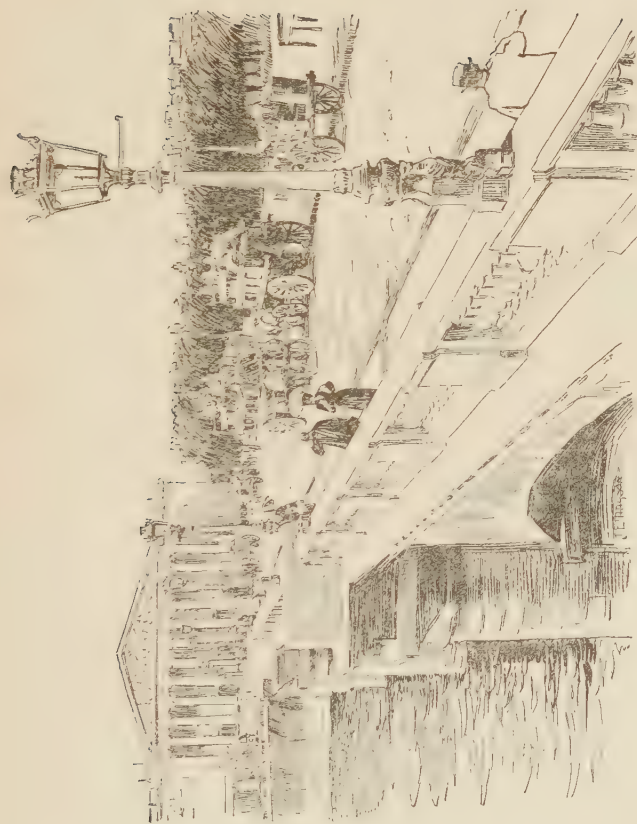
For administrative and electoral purposes France retains the territorial subdivisions created in the days of the Revolution by the constituent assembly, when, abolishing the old provinces of France, reminders of royal privileges and feudal oppressions, it divided the country as symmetrically as possible into eighty-nine departments, three of which were surrendered to Germany at the time of the Franco-Prussian war. Each department is now divided into districts (*arrondissements*)—362 in all. The districts are divided into cantons—2,899 in France—while the smallest governmental subdivision is usually the commune, of which France contains 36,170, although the size and population of the communes vary greatly, some of them being in fact cities divided into several cantons.

THE LEGISLATIVE DEPARTMENT

The legislative department consists of the chamber of deputies and the senate. The chamber of deputies has, in-

cluding several members from colonies, 584 members elected for four years. Each male citizen twenty-one years old who can prove six months' residence in any commune and who is not disqualified by crime, actual military service or otherwise, has the right of vote. Deputies must be citizens twenty-five years of age. They receive a salary of 9,000 francs (\$1,800) a year and substantially free travel on all railways. As a rule they are not of high grade—country lawyers, doctors, teachers, are most common; then farmers and small business men. Men of the first rank in any calling comparatively seldom enter the field, but of course there are notable exceptions. Members have at different periods been elected on a general ticket for the department, but since 1889 each is elected for a single constituency. The district (*arrondissement*) is the electoral district for a deputy, but if it contains over 100,000 inhabitants, two or possibly more constituencies are formed from it. Elections are held not on days fixed by law, but at a date set by government, and always on Sunday. If no candidate receives an absolute majority of all the votes cast and at least one-fourth as many votes as there are registered voters in the district, a second election is held two weeks later in which a plurality elects. In case of a tie the oldest candidate wins.

The senate consists of 300 members—French citizens at least forty years old, chosen for nine years, one-third retiring every three years. The salary is 9,000 francs. Senators are chosen from the different departments in proportion to their populations, by electoral colleges composed, first, of delegates from one to thirty in number chosen by the municipal council of each commune within the department in proportion to its population; second, of the senators and deputies from the department; third, of the members of the council general of the department and of the



THE CHAMBER OF DEPUTIES.
(From across the Seine.)

members of the councils of the different districts in the department. (See under local government.)

The senate seems to be composed largely of respectable men of not first-class ability—retired physicians, lawyers, editors, etc., from the country towns. Their average age is sixty-three.

To the senate belongs no special function beyond that of joining with the president of the republic in deciding upon the dissolution of the chamber of deputies and of sitting as a court for the trial of impeachment cases against the president or other high officials or for the trial of persons who it is considered threaten the existence of the state.

Under the law the members of the cabinet are responsible to the senate as well as to the chamber of deputies—i. e., the cabinet resigns when it can no longer control a majority; but in fact it has been only in the most exceptional cases that the disapproval of the senate has forced the resignation of the cabinet. In general the senate has become a body inferior in power to the chamber of deputies.

THE PRESIDENT

The president of the republic is chosen for seven years by a majority vote of the senate and chamber of deputies sitting in joint assembly for the purpose. Any person who is a member of any family that has occupied the throne of France is excluded from the presidency. The traditions of the regal magnificence due the head of the state in France are shown by the president's salary of 600,000 francs a year (\$125,000), with a further allowance of 600,000 more for his expenses, besides the free use of the palace (Palais d'Ellysées) in Paris and some hunting seats in the interior.

The president has no veto over legislation, but he may

return a bill for further consideration and a second vote. He may adjourn the houses, though only for a month; may close a session after it has continued five months, and with the consent of the senate may dissolve the chamber of deputies. In fact, however, he does not hamper the houses. His acts have to be approved by his ministers, while he does not even have a seat in the cabinet consultations on legislative business, though he is present when as a council of ministers they discuss executive work. Two presidents have been forced to resign by hostile legislatures, though such an act is not at all contemplated in the constitution and was brought about only by threats to block government action. It is probably just to say that the president typifies the dignity and luxury of the headship of a great state, but hardly exercises much real power as its head.

THE CABINET

The president selects his own cabinet, but must select those who can command a majority in the houses of the legislature, as his cabinet advisers are held responsible to those bodies. The usual plan is for him to consult the presidents of the two chambers regarding the best man to choose for prime minister—the man thus chosen to select his colleagues. There are regularly eleven ministers in the French cabinet: justice, finance, war, marine and the colonies, foreign affairs, the interior, public instruction, religion and the fine arts, public works, agriculture, trade and industry, posts and telegraphs. Of these, six or seven are usually taken from the chamber of deputies, two or three from the senate, while the portfolios of war and marine are most generally given to men not members of the legislature, and sometimes also the minister of foreign affairs is not a member of the legislature. The regular salary of

a minister is 60,000 francs (\$12,000) and usually a furnished residence in one of the official palaces.

While the different members of the cabinet are supposed to direct the administrative affairs of their separate departments, as in the United States, the cabinet as a whole has for its chief duty the formation of the political policy of the government, which requires recognition by legislative action. The leading bills, therefore, are formulated by the cabinet, and its members, all of whom have the right to speak in both houses, whether members or not, present them to the chamber of deputies and the senate. If they meet with defeat or with serious amendment contrary to the will of the cabinet the cabinet resigns and the president selects another set of advisers to take their places.



LUXEMBOURG PALACE.
(Residence of the president)

Under a similar system in England, where there are two great parties, the cabinet remain on an average something like four years in office before their defeat. In France, however, no great political parties exist; the chamber of deputies is made up of a number of small groups or factions, several of which combine in order to secure a majority for the ministry. The defection of one or two of these small factions is often enough to overthrow a ministry.

The consequence is that the life of the average French ministry is but from eight to ten months.

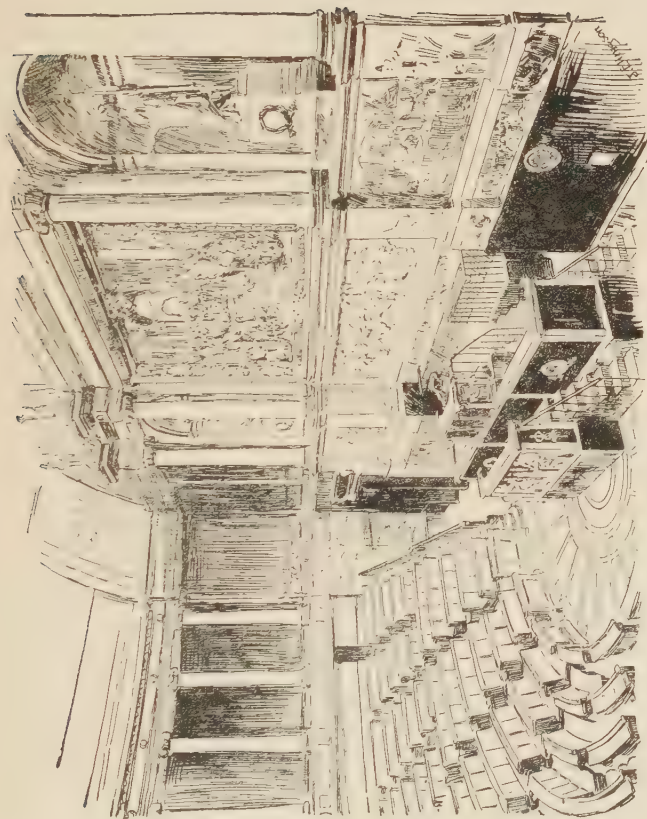
LEGISLATIVE METHODS

The peculiar plan for the organization of committees and for the conduct of the public business in the legislature in France has given a model to several of the other states of Europe, but is one which would hardly commend itself to Englishmen or Americans who believe in party responsibility. At the beginning of each annual session and each month thereafter the members of the chamber of deputies are divided by lot into eleven, those of the senate into nine, bureaus, substantially equal in number. These bureaus choose a monthly committee, made up of an equal number from each, on parliamentary initiative. When bills are introduced they are referred first to this committee on parliamentary initiative, which decides whether they are worthy of further consideration. As a matter of fact, although the committee is supposed to exercise judicial discretion, it practically passes all serious bills. These are then printed and referred to all the bureaus. After consideration each bureau elects one or two of its members on a special committee for detailed study of the bill. Committees from the chamber of deputies, therefore, consist of either eleven or twenty-two or, in the rarest cases, as in that of the budget committee, of thirty-three members. The bureaus are supposed to select carefully from their own number members especially equipped for the consideration of the bill under discussion. As a matter of fact, the bureaus give little attention to the measures referred to them and the members of the committees are largely elected as a matter of form after being selected by the leaders of the different parties in the house. The special committee studies the bill, amends it, or de-

cides to report it or to suppress it as it will, and elects from its own number a commissioner whose business it is to represent the committee on the floor of the house in the presentation and argument on the bill as do the chairmen of committees in the United States. It will be seen that instead of the all-powerful speaker, as in the United States, determining the membership of committees and the important chairmanships, the matter is one partly of lot, partly of election, partly of agreement among the leaders of the different factions in the house.

The president (speaker) of the French chamber is elected, to be sure, more or less as a party man, but when he becomes president he is supposed to act as a non-partisan in all parliamentary decisions and to give friendly advice on parliamentary methods to any member of the house. He determines largely the order of business, precedence of bills, etc., but the house may, of course, make any modifications it sees fit. His impartiality is further insured also by the fact that his secretary is a permanent official, who for many years has been the leading parliamentary authority in France. He occupies a seat on the platform immediately in the rear of the president and stands ready to give him information, to furnish precedents, etc., at call.

Instead of speaking from their position on the floor, members speak from the "tribune," a desk immediately in front and just below the president's chair. The president in recognizing speakers in debate gives just representation to all parties, but, of course, the commissioners representing the different committees and the members of the cabinet, who have special seats on the floor, are always given the precedence. Members of the French chamber are more likely to shout out expressions of disapproval of the person speaking or to interrupt in



INTERIOR OF THE CHAMBER OF DEPUTIES.

other unparliamentary ways than are members of the English or American houses. Even the president himself at times does not hesitate to comment in ironical, semi-humorous terms on the speeches or actions of the members. At times also experts on subjects of immediate interest are invited to address the chamber, a practice unknown in England or America. These differences in customs tend to make the French chamber, while more spectacular in many particulars, often less formal, if possible, than the chambers of other countries and an exceedingly interesting body to observe at work.

The ministers may be questioned by members of the houses upon any matter connected with their legislative or administrative work; and when the question takes the form of an "interpellation," i. e., a formal challenge on the cabinet's policy, open to discussion, a vote is taken to test the sense of the chamber. Ministries usually are defeated in this way.

THE CIVIL SERVICE

It is unfortunately true in France that the spirit of party and the determination to secure party advantage has developed to an alarming extent the "spoils system" in appointment to offices. The ministers, being dependent upon the chamber of deputies for their positions, find themselves compelled to make many subordinate appointments at the dictation of the members of the chambers. Such appointments are not confined merely to offices which would be considered in the United States as belonging to the central government, but to many of those in the local governments as well. In still further ways, in order to hold its position of power, the ministry of the day finds itself compelled to bid for popular support. It is an open secret that a very large proportion of the secret-ser-

vice funds at the disposal of the ministry is used for subsidizing the newspapers in the interests of the government of the day. It is expected, too, that the government will have the more or less open assistance in elections of the prefects and other local officials.

COUNCIL OF STATE

Besides the cabinet there exists also a special institution under the name of the "council of state," established by Napoleon I., and maintained ever since, which is supposed to give impartial advice to the president of the republic and the members of the cabinet on all matters of public interest, and at the request of the legislature to make to it reports on matters of proposed legislation. This "council of state," presided over by the minister of justice, is composed of several classes of councilors called "masters of requests," "auditors," etc., all appointed by the president of the republic. They are, in many cases, men of learning, of impartiality and wide knowledge of public affairs. The "council of state" accomplishes much good in preparing rules for public administration, but it accomplishes little in the way of improving the type of legislation, as the legislature seldom consults it. The cabinet asks its aid occasionally in preparing a bill; the senate much more rarely; the chamber of deputies practically never.

THE COURTS

There is a system of courts beginning with local justices of the peace and ascending through courts of appeal to a final supreme court, such as exists in most civilized countries. The president of the republic appoints all judges with the aid of the minister of justice, and, with the exception of the justices of the peace, the tenure of office is permanent. There are established, however, for the settle-

ment of disputes arising over questions of administration or between citizens and administrative officials acting in their capacity, special administrative courts unknown in England or the United States. Such courts are made up in part of judicial officers, in part of men with special administrative training. In this way there is secured for the government the advantage of having experts aid in the decision of questions of public importance, but there is also the disadvantage, from the standpoint of the liberty-loving citizen, of having cases in which he is interested as against the administration decided by a court which from its composition would be inclined to favor the upholding of the privileges of the government.

Likewise the method of procedure in the ordinary courts in France, while very different, seems peculiar to one trained in English or American methods. Many of the correctional courts which try cases involving imprisonment up to five years consist of three judges and act without a jury. In all general cases, the preliminary inquiry is made in secret by an examining judge instead of by a grand jury, and this judge has full discretion to dismiss the case or commit it for trial. The prisoner may be kept for days without communicating with any one or being permitted to summon counsel or witnesses. Within three years an innocent man committed suicide in Paris in despair, not being able to get even a hearing. In effect the "lettres de cachet" of the old monarchy still exist, if a judge so wills. The higher courts in criminal cases are often assisted by twelve jurors, who decide on the fact by simple majority. For commercial cases there are special courts and councils made up of experts. In general the method of procedure is much more expeditious than is ours, does not afford the criminal so many opportunities for playing upon the feelings of his fellow citizens, secures

the services of trained experts much more freely than do our courts, but on the whole lacks the securities for personal liberty which are demanded in England and America.

EDUCATION AND RELIGION

Since early in the century the local governments have been required to maintain public elementary schools, but primary instruction was not made free until 1881. In 1882 it was made obligatory for children from 6 to 13 years of age. In facilities for the higher education France has for centuries ranked well, and it is probably not much to say that for many lines of advanced university work the best facilities for study in the world are still to be found in Paris. The methods and systems of training, however, that are employed in the primary and secondary schools, due in part probably to the earlier influence of the church upon education, still more to the social customs, do not seem well suited to the development of the sturdy independence of judgment and character that Americans and Englishmen wish their public schools to foster.

All religions are now equal by law, and the state grants aid for the support of any church which has 100,000 adherents. By far the larger part of the aid, of course, goes to the Roman Catholic church. There is, however, on the part of large classes in the community, much jealousy and fear that the church will secure great political influence. So powerful is this feeling in some quarters that "a French citizen who is dependent on the state for his livelihood is not always at liberty to accompany his wife and his children to mass on Sunday morning, without risking his future prospects and their means of sustenance." Even the president of the republic is careful not to pronounce the name of God in any public utterance for fear of offending the anti-clerical free-thinkers, and avoids appearing

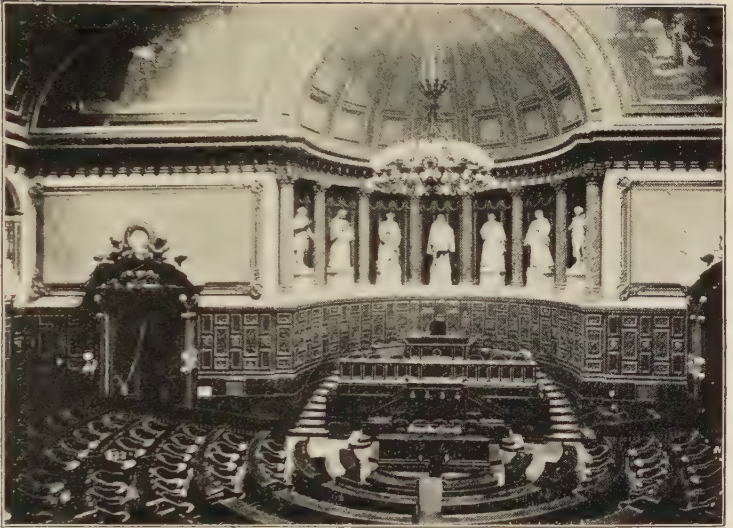
in any public capacity in any religious edifice. Strange perversion of the spirit of religious tolerance!

THE DEPARTMENT

At the head of each one of the departments of France stands a prefect appointed by the president of the republic for an indefinite term, responsible to the different members of the cabinet, but particularly to the minister of the interior, and charged with carrying out the business of the republic throughout his department. He is superintendent of schools, treasurer, recruiting officer and head of practically all other administrative work. Associated with the prefect is the general council of the department, an elective body made up of representatives chosen by general vote, one from each canton. These councilors are elected for six years, one-half being renewed every three years. The membership of the council varies from fifteen or twenty to more than sixty, according to the size of the department. Its main business is to consider the budget of the department and the management of the schools, the local courts, administration of roads, railroads, lunatic asylums, poor relief and other similar administrative work of the department. In all cases, if in his judgment it oversteps its jurisdiction, the president of the republic may annul its acts, and he has in all cases a veto. It has no right of taxation, although it may appropriate certain moneys for the expenses of local government. The chambers at Paris have the power to determine strictly the source of the money that it is to use, and the president or minister, through the prefect, can, if he will, direct the administration.

THE ARRONDISSEMENT

Likewise the district (*arrondissement*) has a sub-prefect appointed by the prefect, responsible to him and really



SENATE CHAMBER, LUXEMBOURG PALACE, PARIS



PALAIS DE JUSTICE, PARIS

acting merely as his agent; also a council of the district elected, one member from each canton, has the function of dividing among the communes the share of the taxes which must be paid by the district. The sub-prefect and council are always in a position, of course, to furnish suggestions and advice to the administrative officers appointed by the central government.

The canton has no separate administrative work. It is, as we have seen, an electoral district. It is also a judicial district for the justice of the peace, a muster district for the army, a road district, etc., serving as a convenient territorial unit for administrative organization.

THE COMMUNE

The commune is the unit of local government and in many cases it is a unit of real local self-government, for the tendency is increasing for the central government not to interfere. Every commune elects a municipal council of from ten to thirty-six members, according to its population. This municipal council elects a mayor from among its own members and one or more assistant mayors, according to the size of the commune. When the mayor, however, is once elected, he becomes immediately the agent of the central government at Paris and is responsible to it; not to the council. The municipal council may pass ordinances for the government of the commune, which, however, require the confirmation of the prefect, or, in the case of certain important cities, of the president of the republic, before they become valid. The mayor or the municipal council may be suspended for a month by the prefect for due cause, although the reason need be only a political one. This period may be extended, as was lately done in the case of the mayor of Algiers, to three months by the minister of the interior, or, in case of need, the

mayor may be removed or the council dissolved. With this perfectly centralized organization on the one hand and with the powerful temptation for a tottering ministry to support itself by making appointments pleasing to some of the deputies, one readily sees how just may be the complaint sometimes made that, administratively speaking, France has a despotic government with a continually changing despot.

On the other hand, one must not overlook the obvious advantages of having practically all the local governments throughout a country like France organized on substantially the same plan from the smallest village to the largest cities nor the increase in efficiency that will certainly come from having local officials perform their work under the inspection of trained officers who are able to furnish to one section of the country the experience gained in another. Some of the excellent results of the rigid system of organization are to be seen in the magnificent systems of roads and bridges and aqueducts and in the munificent patronage of the arts and sciences even under the republic

J. W. JENKS,

Cornell University.

THE GERMAN EMPIRE

THE GERMAN EMPIRE

EVOLUTION OF THE EMPIRE

The German empire showing on the map as a conspicuously solid area in central Europe is easy to locate but hard to bound. On its eastern border lies Russia, on its western France. In latitude it stretches from the Alps to the Baltic. Its area is 208,830 square miles (four-fifths of Texas) ; and its population in December, 1895, was 52,279,915, of which total 3,403,390 were non-Germanic. According to its constitution, the German empire is a "perpetual union" of twenty-two monarchical states and three city republics, plus the imperial "territory" of Alsace-Lorraine. The kingdom of Prussia, with her 135,000 square miles and 32,000,000 people, obviously outranks and dominates any and all other states.

After the downfall of Napoleon in 1815 there was formed a German confederation, of which Austria naturally held the leadership. This union was a loose confederation maintained through a diet composed of state ambassadors. The customs union of 1833, which replaced the separate tariff machinery of the states by a single system operating for all, did more than the political confederation to unify Germany.

The outcome of the war of 1866 was the virtual shutting out of Austria from Germany, the transfer of leadership to Prussia and the organization of the "North German union."

The constitution adopted by this union was a resultant of three forces. The first was that of the people, aware of the safety which lay in union, desirous to maintain and extend constitutional liberty, still attached to monarchical forms, and resolutely demanding a part in legislation by their representatives. The second was Bismarck, standing for the monarchy and prestige of victorious Prussia, and caring more for order than freedom. The third interest was that of the reigning princes of the several states, representing a strong states-rights sentiment, content to part with some of their powers for the sake of perpetuating their thrones. The constitution resulted from a compromise of these interests.

The German empire was an inevitable emergence from the overwhelming victories of the Germans over the French in 1870. Three important states of South Germany—Bavaria, Baden and Würtemberg—which had held aloof from the North German union, were compelled by circumstances and their interests to place their troops at the service of the king of Prussia, and make common cause with the union. The national pride and sentiment rose after Sedan and the siege of Paris to a pitch and volume without precedent in the history of the German people. Bismarck, waiting for the happy moment, attached the southern states by means of treaties containing liberal concessions to their autonomy.

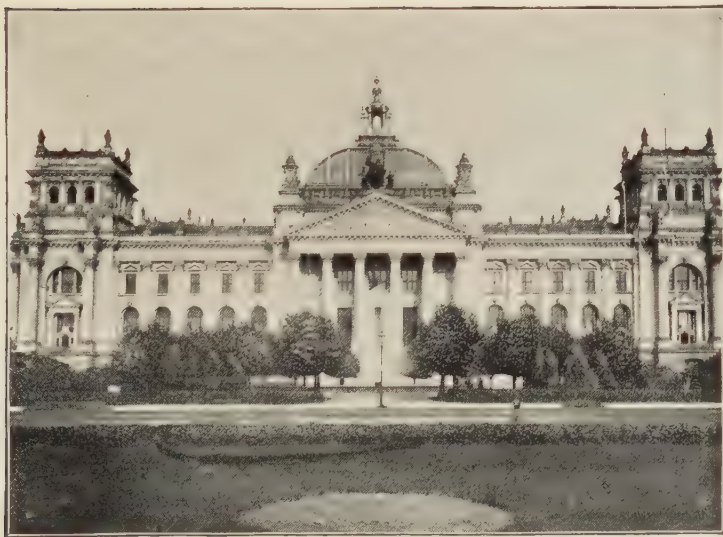
For a great consolidated world-power thus born the name of union or confederation was obviously inadequate. Voicing the general consciousness of the German states and people, the reigning princes and the diet of the union moved the Prussian king to accept and assume the title of German emperor. As if for dramatic effect the ceremony of investiture took place in the palace of Louis XIV. at Versailles, near Paris, still besieged, January 18, 1871.



WILLIAM II
Emperor of Germany



Schaarwächter, Berlin
PRINCE HOHENLOHE
Chancellor of the German Empire and
Premier of Prussia



THE REICHSTAG BUILDING, BERLIN

The title "North German union" was thereupon immediately superseded by that of "German empire," but there was no change of constitution.

THE IMPERIAL CONSTITUTION

The Emperor William returned to Berlin and upon his summons the diet met March 21, and at once took up the revision of the constitution. On April 16 the new imperial constitution was promulgated. In substance it was that of the North German union, with the word "president" changed to "emperor," and with unimportant amendments it so remains. There was no reference of the imperial constitution to the states or the people for ratification, as would be expected in the case of an American constitution.

Upon examining the frame of government established by this constitution, an American at once detects a lack of that clear and prominent tripartite division of powers with which he is familiar. The judiciary he finds so much curtailed as not to form a constituent part of the government, and the legislative and executive functions overlapping and interlacing much more than he would think necessary merely to maintain a system of checks and balances.

The imperial government consists of the emperor and his administration, a federal council (*bundesrath*) and a diet (*reichstag*).

THE FEDERAL DIET

The diet might be briefly described as the counterpart of the lower house of our American congress. It is composed of 397 representatives, elected by popular vote for five years in districts designated by imperial law, and there is one for every 132,000 people. Any German 25

years of age, not under disability, may vote and be voted for. The members receive no compensation, but are entitled to travel free on the government railways. The diet decides upon contested elections, chooses its own officers and frames its own rules. The quorum is a majority of all the legal members, and the majority of the quorum voices the will of the house. Individual members may not introduce bills unless supported by a number of colleagues (now fifteen). There is absolute liberty of debate, of which the opposition never fails to avail itself. Members are free from arrest, unless apprehended in the commission of crime.

There are certain points in which the resemblance of the diet to the United States house of representatives fails. Treaties with foreign powers, which relate to the enumerated subjects of imperial legislation, made by the emperor with the advice and consent of the council, require the further confirmation of the diet. Accordingly no treaty can bind the government to pay money without the consent of the people's representatives.

Whenever a bill concerns not the empire as a whole, but only certain states, the representatives of such states alone are entitled to vote. This principle holds also in the federal council.

The legislative bodies may adjourn from day to day, but they are not competent to fix the time of final adjournment nor that of meeting. The emperor has the right to fix those dates, but is bound by the constitution to assemble the houses in joint session annually. The emperor with the assent of the council may dissolve the diet and order a new election, which must take place within sixty days. The emperor of his own motion may adjourn the diet for thirty days, but only once in any session.



THE GERMAN REICHSTAG BUILDING.

THE FEDERAL COUNCIL

The federal council is in fact what the senate of the United States is in theory, a body of state delegates. These are appointed by the state executive, under more or less legislative control. They possess the character of ambassadors according to international law, and act under instructions from their respective governments, to which they are responsible. The principle of equality of state representation does not prevail. The numbers of votes vary with the magnitude of the states, and are specifically designated in the constitution. Prussia has 17 votes; Bavaria, 6; Saxony and Würtemberg have each 4; Baden and Hesse, 8; two states have 2; the remaining seventeen states have each one vote. In all there are fifty-eight votes, and when the council is full the same number of members.

The votes of each state, so far as represented, are cast in a lump by a spokesman, and the delegates present, even if a minority, determine on which side they shall be given. The council is a perpetual body, and the emperor is bound to convoke it upon the demand of one-third of the members. Any member has the right to be heard at his request before the diet on behalf of his state government. The imperial chancellor presides over the council and directs its business. In the absence of any constitutional provision regarding the quorum of the council, it is held that if the chancellor be present any number of councilors are a quorum. A majority of votes is necessary to the passage of a law. In case of a tie the chancellor has the casting vote. Any delegation may introduce bills and resolutions. Like the senate of the United States, the federal council is primarily a legislative body, one of the two chambers whose concurrence is necessary to the enactment

of law. Like the senate, also, it has powers not legislative, such as that of confirming or rejecting treaties.

The council does not pass on executive appointments nor sit as a court of impeachment (which is unknown in the German constitution), but it possesses a large and indefinite power to regulate administration.

There is a provision in the constitution giving the council power to act in regard to the execution of the laws and defects therein whenever no other provision has been made by law. Inasmuch as it is not the custom in Germany for legislative bodies to descend into details of administration, here is a wide field for independent action. By some this provision is interpreted as conferring upon the council the residuum of unenumerated powers, and lodging in that body the ultimate sovereignty of the empire. That the council may constantly supervise and hold a check upon the administrative departments it is required to maintain for each of them a standing committee which may sit and act during recess. But the emperor appoints those for the army and navy, except one place on the army commission, which belongs to Bavaria.

The federal council is intrusted with one power not definitely lodged in any department of our national government. In case a state of the empire shall fail to fulfill its constitutional duties (as, for instance, by non-payment of an assessment) the council is authorized to order military execution, which the emperor is bound to enforce. Waiving the question, much debated, whether the federal council is the actual sovereign of the empire, its exalted position and far-reaching power must be conceded.

THE EMPEROR

The compromise character of the German constitution is nowhere more apparent than in the sections relating to

the executive. The leading provision is that the king of Prussia is "president" of the confederation (*bund*), with the title of German emperor. The alternative styles of "emperor of Germany" and "emperor of the Germans" were discussed at Versailles and rejected. As the crown of Prussia is hereditary in the male line of the royal house, there must always be a king or a regent on its throne. Hence the presidency can never be vacant. The king of Prussia is a monarch, but as president of the confederation known as the empire he is merely an official. As head of the empire he represents it in all international affairs, appoints ambassadors without confirmation and receives those of foreign powers. His power to conclude treaties is limited, as already stated. He commands the army and navy. He appoints all officers of the navy and all general officers of the army, who take an oath of fealty directly to him, a fact which gives color at least to the somewhat frequent proclamation by the present emperor of himself as "war lord" of the army and navy. Only in case of attack upon the frontier may he declare war without the consent of the council. His power to appoint officials, civil as well as military, is not restricted by any provision for confirmation. While he may summon and adjourn the legislative sessions the constitution gives him direct veto power over their action. It is his right to "prepare and publish" the laws of the empire, but these have no validity until signed by the imperial chancellor. Judging from the part of the constitution formally treating of the executive it might be inferred that the powers of the German emperor are about on a par with those of the president of the United States. But he wields other powers implied in the constitution or not forbidden by it and an influence of immense efficiency. The emperor is an exalted and august personage. The imperial title and dig-

nity count for much among the German people. The holder of them cannot be impeached nor removed from office unless by revolution. The command of the standing army does not mean merely the disposition of a few thousands of troops or militia, but the actual control, through appointees of his own, of 500,000 trained soldiers completely equipped and always ready for the campaign. As king of Prussia the president of the confederation is a powerful monarch and has, in fact, the designation of her seventeen delegates in the federal council. It should go hard with him if he could not, with all his resources, secure the fourteen additional votes necessary to carry a measure in the council. Among the concessions exacted by Prussia is the remarkable one that her delegation in the council shall have an absolute veto on all bills relating to three matters of supreme importance—the army, the navy and the imperial taxes. This provision, it will now be understood, simply lodges in the hands of the emperor a veto sufficiently extensive which it was not deemed prudent to grant in explicit terms in the document.

It is technically unconstitutional for the executive to initiate legislation by submitting bills and resolutions to the chambers. But the Prussian delegation, headed by the imperial chancellor, is free to do so, and the king of Prussia should know how to influence that body. In practice bills are mostly prepared by government experts, introduced by one of the state delegations into the council, and, if passed by that branch, transmitted through the chancellor to the other. The lower house does not frequently exercise its power of originating legislation. This is a notable variation from American practice. It is now obvious that the "president of the confederation" does not lack for powers.

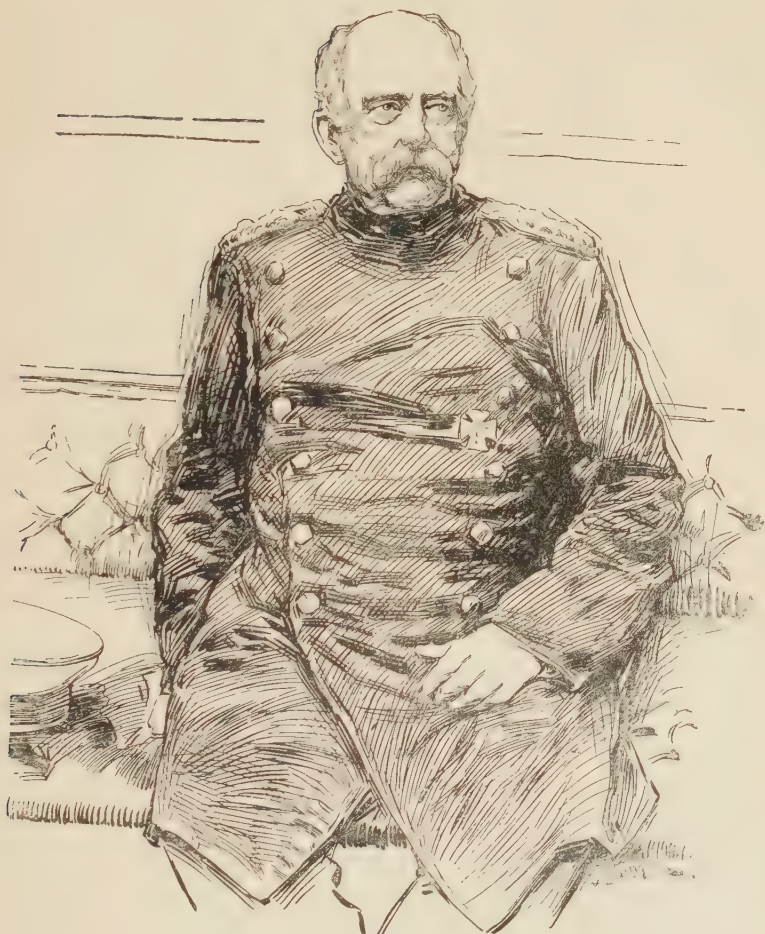
The most novel part of the German constitution in

American eyes is that providing for its amendment. We are accustomed to the referendum principle, under which all proposed amendments and revisions are submitted to the people. Nothing of this in Germany. There constitutional legislation takes place in the empire by the same process and according to the same forms as statutory enactment, except when it comes to the final vote in the federal council. If then there be fourteen or more votes against a proposed amendment it fails. It is at once apparent that no combination of minor states can force upon Prussia, with her seventeen votes, an amendment distasteful to her, while the fourteen smallest states can by united action block any effort of the big states, Prussia included, to abridge their constitutional rights. It may be here remarked that the power vested in the emperor of dissolving the diet may be employed to effect a virtual referendum of a question on which the government may be in fear of being outvoted.

THE IMPERIAL CHANCELLOR

No account of the executive department of the German government which ignored the emperor's right-hand man and proxy would be adequate. The office is an ancient one, but Bismarck knew how in the framing of the constitution to give it a new importance. The chancellor is appointed by the emperor and removed at his pleasure. If the head of the state is ambitious to conduct affairs himself he may place in the chancellor's office an obsequious and pliant tool. If, like William I., he be a soldier, he can intrust political affairs to a Bismarck and give him the reins to drive where he will. Circumstances might force a weakling prince to turn over every real power to an ambitious chancellor and make him a mayor of the palace.

The chancellor heads the Prussian delegation in the



PRINCE BISMARCK.

council; he presides over that body and countersigns all laws and regulations before they can take effect. The section of the constitution imposing this duty of countersigning laws concludes with the words, "who, thereby, becomes responsible for their execution." This clause does not make the chancellor responsible to the legislature, for it has no power to impeach. It adds nothing to his responsibility to the emperor, for he changes his chancellors at pleasure. The intended and actual effect of the clause is to place the administration in all its departments in the hands of the chancellor, saving certain reservations regarding the army. Those who know that contrary to American practice European legislation is general and leaves large discretion to administrative functionaries will appreciate the magnitude of the power thus conferred.

The departments of administration are such as Americans are familiar with—foreign affairs, treasury, interior, justice, etc., with separate bureaus for postoffice, railways, imperial bank, etc. Curiously, while there is a naval department, there is no imperial war office, that of the kingdom of Prussia serving its main purpose, while Bavaria and two other states have war ministers of their own. The heads of these departments do not form a cabinet, but act independently of one another under the direction of the chancellor.

THE JUDICIARY

The judiciary is a branch of the imperial administration, and not, as already suggested, a third co-ordinate branch of a tripartite government. The constitution provides for one court only—the Supreme Court of the Empire. It sits at Leipsic. There are eighteen judges appointed for life and at large by the emperor. Their duties are divided among groups and called "senates." The court has origi-

nal jurisdiction in cases of treason against the empire, but it is otherwise an appellate tribunal. It has no power to declare laws unconstitutional. There is in Germany no such distinction between constitution and statute as has grown up in the United States. A statute is just as much supreme law of this land as a section of the constitution. The question of "constitutionality" of law therefore cannot be raised.

All other German courts are state courts, of which there is the customary three-story arrangement of local courts, district courts and superior courts. From the last appeal lies to the Supreme Court of the Empire. The striking peculiarity of the judicial system is that which the courts, with the one exception noted, are state courts, created by state law, whose judges are state appointees (election of judges being as yet unknown). The imperial legislature has the right to determine their procedure and to enact laws to protect private rights and punish crime, which, as enacted, supersede corresponding state law.

A code of criminal law uniform for the empire has been established; also another of commercial law; and a civil code has been enacted to come into effect Jan. 1, 1900. Trial by a jury of twelve men is an ancient institution still surviving.

In common with some other continental governments, the German states have a system of administrative courts, in which questions growing out of public law are litigated; as, for instance, whether a certain tax is legal, or whether an official has exceeded his powers.

IMPERIAL POWERS

The German empire is not a mere loose confederation. Like the United States of America, it is a national union, an "indissoluble union of indestructible states." Its laws

take precedence over those of the states relating to the same matters. A revolting or undutiful state can be coerced under military power. Still, like our own, this national government is limited in its powers by the terms of the constitution to objects of general welfare.

The schedule embraces the following matters "under the supervision of the empire and its legislature": 1. Citizenship and pertaining thereto, naturalization, expatriation and domicile. 2. Commerce and customs duties.



IMPERIAL PALACE BERLIN.

3. Coinage and paper money. 4. Banking. 5. Patents. 6. Copyright. 7. Protective tariff and consulates. 8. Railways. 9. Inland water navigation. 10. Postal and telegraphic affairs. 11. Execution of civil judgments. 12. Authentication of public documents. 13. Legal matters generally. 14. Army and navy. 15. Medical profession. 16. The press and trades' unions. Ample scope remains

for the exercise of the police power of the states and for local government.

The taxing power of the empire is limited to customs and to excises on salt and tobacco, brandy and beer, beet sugar and sirup. To meet possible deficit of revenue the states may be called upon for pro rata contributions. While the imperial government regulates the coining of money, the states are allowed to operate mints. Of the 29,000 miles of railway all but 2,800 are owned by the empire or the states, and all are wholly under the control of the imperial administration. The 84,000 miles of telegraph also belong to the government.

The chief merit of the German constitution is that, growing out of the needs and aspirations of the German people, it gave them a national government. Since its adoption Germany has been more than a geographical term.

Its capital defect is that it contains no "constitutional liberty." It has no bill of rights to assert the immunities of citizens against the government. It is probably sufficiently democratic for the German people as they still are. But will it remain so?

WILLIAM W. FOLWELL,
University of Minnesota.

AUSTRIA-HUNGARY

AUSTRIA-HUNGARY

DUAL MONARCHY

In political science governments are classified under two general heads—centralized and federal. Great Britain, France, Russia, Italy are centralized governments. The United States, Germany, Switzerland are federal governments. But there are two European governments which cannot be brought within the ordinary classification. We designate each of these countries by a double name joined by a hyphen, and we classify them as dual monarchies. They are Austria-Hungary and Sweden-Norway. This singular institution, the dual monarchy, is a union under a single sovereign of two kingdoms, each of which preserves its individuality quite completely.

Thus in order to understand the dual government which is the subject of this paper it is necessary to examine separately three distinct sets of governmental institutions—those of Austria, those of Hungary and finally those of Austria-Hungary.

THE AUSTRIAN EMPIRE

Austria first appeared on the map of Europe in the early mediæval period as an insignificant state ruled by a petty lord. But at the close of the thirteenth century a member of the powerful royal house of Hapsburg ascended the throne, and soon Austria became the greatest state of eastern Europe. From the beginning several distinct

races have inhabited the country, but the Germans have always been the dominant people and Austria has aspired to the leadership of the German states. When the German confederation was formed in 1815 by the congress of Vienna that was called to undo Napoleon's work, the emperor of Austria was made the president of the league. But meantime Prussia had been developing rapidly in power, and in 1866 the rivalry between the great states for leadership of the German confederation resulted in a short, sharp war between them. Bismarck's "blood and iron" policy had induced the war and its result was a great triumph for the Prussian statesman. Austria was obliged to sue for peace, and Prussia formed a new German confederation which excluded her great rival. This confederation soon developed into the present German empire. Shut out from the German federal union, Austria was obliged to turn her attention to the consolidation of her power in her extensive territory in southeastern Europe, and in 1867 the present constitution of the empire was adopted.

The constitution of 1867 established a limited monarchy. The emperor exercises the executive power through ministers who are appointed by him and responsible to him. The lawmaking body is the reichsrath, or parliament, made up of two houses in the ordinary fashion of modern legislatures.

THE AUSTRIAN PARLIAMENT

The upper house of the parliament, called the house of lords, is composed of the male members of the imperial family, of the chief dignitaries of the Roman Catholic church, of representatives of the great land-owning noble families, who have the right to hereditary seats, and of members appointed for life by the emperor.



IMPERIAL PARLIAMENT BUILDINGS, VIENNA



REICHSRATH, VIENNA

The popular chamber, the house of representatives, is made up of members elected for a term of six years. The mode of election is peculiar. The empire is divided into provinces and the representatives of each province are distributed among five different classes of voters. The classes which have distinct representation are the great land-owners, the cities, the chambers of commerce, the rural communes and a new general class created in 1896. The qualifications for the franchise necessarily differ in the various classes. The widest franchise, that of the general class, includes almost all male citizens; the franchise for the land-owning class is given to those paying a considerable land tax; the city and rural commune franchise is given to those paying about \$10 annually in taxes. The creation of the new general class, with its broad franchise, increased the voting population from less than 2,000,000 to more than 5,000,000. The total membership of the house is 425.

In all countries where parliamentary government is well developed the house which represents the people is a real governing body of the realm. The so-called upper house, which represents rank and privilege, must yield to the will of the house of representatives when serious conflict is threatened. But in Austria self-government is not sufficiently developed to make the popular house supreme. The house of peers exercises, in fact as in theory, co-ordinate powers of legislation.

PROVINCIAL DIETS

The Austrian parliament shares the law-making power of the empire with seventeen minor legislatures which exist in the principal provinces. The Austrian system thus exhibits a faint resemblance to our American federal plan of national and state legislatures. The fundamental

law enumerates the powers of the reichsrath and then declares that all the powers not granted to the imperial parliament are reserved for the provincial diets. Thus the diets of the provinces are given control of local government, agriculture, certain classes of schools and charitable institutions. These diets consist of a single chamber each and their members are elected by a system of class representation similar to that employed in constituting the house of representatives of the imperial parliament. The provincial diets are controlled quite completely by the emperor. His sanction is necessary to make their measures legal, and he appoints the presiding officer of each diet, who has extensive powers over the arrangement of business and may dissolve the diet at any time upon order from the crown.

POWERS OF THE EMPEROR IN AUSTRIA

The power of the emperor as chief executive is very extensive. The ministry is responsible to him personally and not to the reichsrath. In this respect the system is similar to that of Germany. Whereas in other governments under the parliamentary form the monarch has practically lost his theoretical right of veto, in Austria the emperor does not hesitate to disapprove bills passed by the parliament. The numerous party groups in the house of representatives, which on account of race antagonism, to be explained later, cannot act together to form an effective opposition to the ministry, give the emperor opportunity to play off one party against another and so govern with a free hand according to his own imperial will. Austrian government thus has a personal character which very few modern states exhibit. The popular confidence in the justice and good judgment of the present emperor makes the Austrian people content to submit to his personal gov-

ernment to an extent which no other great European nation would tolerate in these days of democratic aspirations. When the good emperor finally lays down the reins of government he has held for half a century Austria is likely to demand a much larger measure of self-government through her parliament than she enjoys at present.

THE KINGDOM OF HUNGARY

The second element in the dual monarchy is the kingdom of Hungary. This country, which has been ruled by the imperial line of Austria since 1526, possesses a distinct government, founded on the independent institutions developed long before the country fell into the hands of the royal house of Austria. Hungary, like Austria, is inhabited by several distinct races, but since the ninth century, when the Magyars invaded the region from Asia and conquered it, they have controlled the government. Although the Magyars do not constitute a majority of the population, they far outnumber any other single race element, and thus, in the absence of union among the other races, they are supreme.

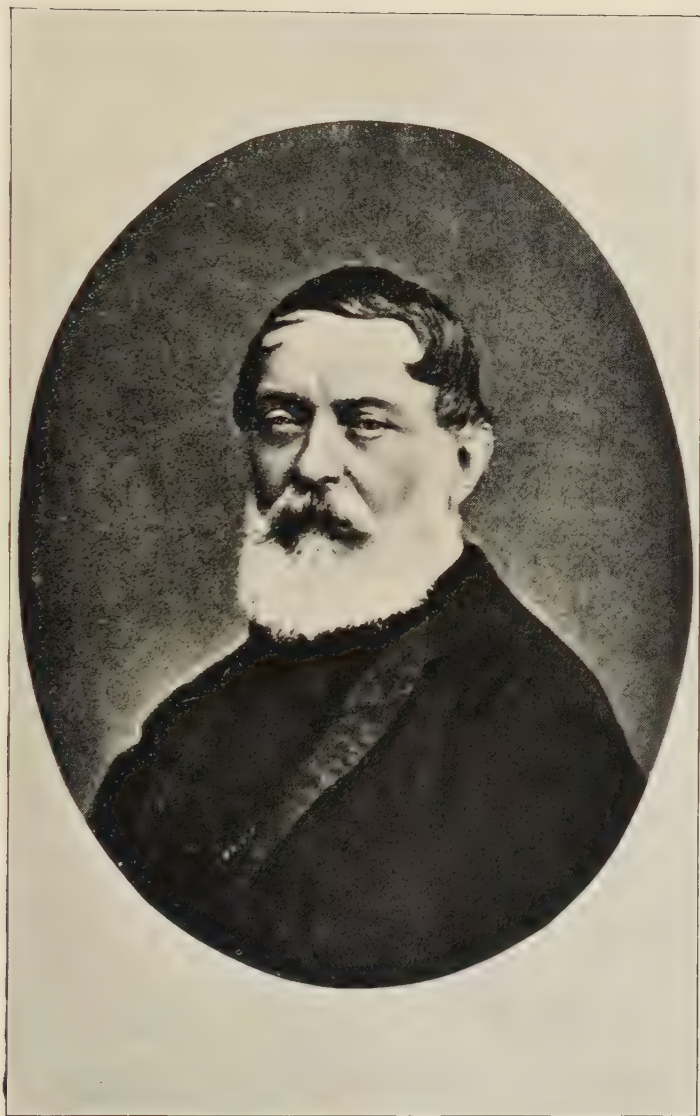
The house of Austria after its accession in the sixteenth century tried to destroy the independence of the Hungarian kingdom, but the proud Magyar nobles met with stubborn resistance the attempts of their sovereigns to undermine their national institutions, and succeeded in maintaining a large measure of self-government. When in 1849 Francis Joseph, the present emperor, tried to absorb his eastern kingdom into Austria, Hungary issued a declaration of independence and under the lead of Louis Kossuth attempted to make good that declaration with the sword. Austria conquered, however, with the aid of Russia, and for ten years Francis Joseph ruled as an absolute monarch. But the country was so restive under the sup-

pression of its independence that Austria, which had meantime lost part of its Italian possessions, deemed it prudent to conciliate the unyielding Hungarians before the smouldering fires of discontent broke into a blaze of revolution. So a series of negotiations between the emperor and his discontented subjects ended in 1867 in the recognition of the present legislative independence of Hungary. Francis Joseph was then crowned king of Hungary, according to the ancient custom, and the existing plan of a dual monarchy went into effect.

THE HUNGARIAN PARLIAMENT

The Hungarian government is quite similar to the Austrian in its general outlines. The parliament is a two-chambered body, made up of a house of magnates and a chamber of deputies. The house of magnates is somewhat unique in composition. It is composed of those members of the titled nobility who pay land taxes amounting to at least \$1,200 annually, of the high officers of the Roman Catholic, Greek and Protestant churches, of certain government officials and of life members appointed by the king. The nobility has the unusual privilege of seeking election to the chamber of deputies. If nobles are chosen as deputies they resign temporarily their hereditary seats in the house of magnates. Since, as in all countries where ministerial responsibility is in force, the popular house is the more influential, the nobles frequently avail themselves of the opportunity to enter the more important, if less dignified, body.

The chamber of deputies is made up of representatives elected for a term of five years. The qualifications for voting are a minimum age of 24 years, the ability to speak Magyar, and, except in the case of members of the learned professions, payment of a small tax. The seats are appor-



LOUIS KOSSUTH
Leader of the Hungarian Revolution

tioned not on a simple population basis, but on a system of class representation somewhat similar to that described above in the case of Austria.

The organization of the chamber of deputies is complicated by the existence in Hungary of a semi-independent province, that of Croatia. Croatia has a diet of her own, which legislates for the province on all matters except those which touch the common interests of the kingdom. The province elects forty members of the Hungarian chamber of deputies, and these members take part only in those affairs which concern the province as part of the kingdom. For all other business the Hungarian chamber of deputies consists of 413 members elected by the kingdom exclusive of the province of Croatia.

INFLUENCE OF THE CROWN IN HUNGARY

The Hungarian ministry recognizes responsibility to parliament, while the Austrian ministry is responsible to the crown. The Hungarian ministry thus approaches the British type. Self-government through parliament in Hungary is of ancient origin, being founded upon a charter called the Golden Bull, which dates back to 1222, and is thus almost contemporary with the Magna Charta of England. The Golden Bull placed rigid limits upon the power of the crown, and the Hungarians have never lost the tradition of self-government. Thus the personal influence of the monarch which we noted as a leading feature of Austrian government is much less potent in the independent Magyar kingdom.

THE JOINT GOVERNMENT

The joint government of Austria-Hungary rests upon a compact enacted by the Austrian and Hungarian parliaments in 1867. The original compact

has been supplemented by several pairs of statutes since enacted by the two parliaments. This unusual form of constitution is subject to amendment at any time by the joint action of the Austrian and Hungarian parliaments, approved by the emperor.

The chief executive of the dual monarchy is an hereditary emperor who is crowned emperor of Austria at Vienna and apostolic king of Hungary at Budapest. His imperial and royal majesty thus holds two distinct crowns, but these crowns must always be bestowed on the same individual.

THE DELEGATIONS

The joint deliberative body—it can hardly be called a legislature—is a unique political device. It consists of a delegation of sixty members from each of the two parts of the dual monarchy. The members of the delegations are chosen by the respective parliaments of the countries, twenty by the upper house and forty by the lower house of each parliament. The delegations are elected annually and must be called into session by the emperor at least once a year. They meet alternately in Vienna and in Budapest. A peculiarity of the plan is that the representatives from the two countries do not form a single parliament. The delegations meet separately, and all measures are presented simultaneously to both bodies. Only under one condition are joint sessions held. If the delegations cannot agree upon an important measure after three exchanges of communications on the subject a joint session is held and a vote taken. No debate is permitted in this common assembly.

EQUALITY OF POWER

In the composition and procedure of the deliberative bodies extraordinary care is taken to preserve the equality

of the two countries. The alternating meetings in the capitals of the two parts of the nation have been noted. When a joint session is held the presidents of the separate delegations preside in turn, the record of proceedings is kept in both German and Magyar, the official languages of the respective delegations, and, furthermore, the number of representatives from each country present at the joint session must be the same. If one delegation appears in session with more members than the other, the larger body is reduced by lot to the size of the smaller.

But while the greatest care is thus taken to give each of the two elements of the dual monarchy equal powers in the common government Hungary is in practice the more influential country. This is due to the fact that the Austrian delegation is always made up of a large number of irreconcilable party elements, while the Hungarian body stands almost solidly for a definite Magyar policy. Naturally the delegation with a compact majority and a definite programme prevails over the delegation which is rent by internal dissensions.

The legislative powers of the delegations are small. Their main duty consists in making appropriations and overseeing the administration of the common laws. Even in such matters as the provision of recruits for the army, the authorization of loans, in tariff and money regulations the separate parliaments of Austria and Hungary legislate by concurrent acts, and the delegations are left with little to do save to supervise the execution of the laws thus provided.

THE JOINT MINISTRY

There are three joint ministers—for foreign affairs, for war and for finance. The ministers are appointed by the crown, and their administration is subject to the supervision of the delegations. Foreign affairs are entirely

within the control of the joint government, except that treaties must be ratified separately by the parliaments of the two countries. Military affairs and finance are not so completely controlled by the joint government. The armies are recruited under separate laws of Austria and Hungary, although they are necessarily managed by the joint ministry and subject to the orders of the emperor as commander in chief. The joint finances are administered under a series of statutes which are adopted for a ten-year period. Thus the financial relations are subject to revision each decade. The main source of income of the dual monarchy is the customs tariff. The rest of the necessary funds for common purposes is provided by direct contribution of the two countries.

PECULIAR DIFFICULTIES

Such is the somewhat complicated organization of the conglomerate empire of Francis Joseph. The governmental system is confused and illogical in arrangement because it covers a large area occupied by a variety of peoples of widely different race and very different historical development who recognize few common interests and have no aspirations toward a common nationality. Political necessity has dictated that a mass of heterogeneous peoples shall be brought under a common imperial government and the only practical method of working out the difficult problem thus presented was the method of compromise with established institutions and racial prejudice.

RACIAL STRUGGLE IN AUSTRIA

The difficulties encountered in building and maintaining the dual monarchy can be appreciated only after an examination of the extraordinary mixture of races within the broad area of Austria-Hungary. In Austria there are represented Germans, Czechs, Poles, Ruthenians, Sloven-

ians, Italians and four or five minor races. The Germans are most numerous and most influential, but they number hardly more than one-third of the total population. The race antagonism is exceedingly bitter. Each people in Austria holds strongly to its own language and its peculiar racial customs, and even the small divisions resent fiercely any attempt to unify the nation by establishing a common official language and a common system of local administration. The Czechs of Bohemia insist that the empire shall not interfere with the peculiar institutions of Bohemia and resist stubbornly any invasion of their racial individuality. The compact body of Poles in Galicia likewise guard jealously their language and the institutions of their province, and the smaller racial divisions make great sacrifices to preserve their historical separateness. The confusion of tongues is indicated by the fact that it has been necessary on the occasion of the assembly of a new Austrian parliament to administer the oath of office in eight different languages. A recent writer notes the fact that, although the imperial army necessarily has an official language, German, the different bodies of troops composing it speak eleven different languages and dialects. And this is not an indication of a merely temporary condition which will soon yield to a process of national amalgamation. The various races are not seeking to promote a common nationality. The only tie that binds them is the necessity of presenting a united front to the great powers of Europe who would gladly embrace an opportunity to divide and conquer the various peoples now acknowledging a common allegiance to the royal house of Hapsburg in the person of Francis Joseph.

RACE QUESTIONS IN HUNGARY

The racial struggle in Hungary is less intense than that in Austria, for although the population is almost as varied,

a single race, the Magyars, so far outnumber any other single element that they are able to control the government quite absolutely. They claim that Hungary is normally a Magyar nation, and by requiring that their language be taught in all the public schools throughout the country and by imposing a knowledge of that language as a qualification for voting the Magyars are gradually achieving a real nationality in their kingdom. But naturally these measures are arousing deep discontent on the part of the other races, who feel that they are the victims of a tyranny that is striking at their dearest interests.

But the difficulties of the dual monarchy are not confined to the struggle between races within the component countries. Yoked with distracted Austria is aggressive Hungary, and to the internal rivalry of races is added the rivalry of Austria as a whole with Hungary as a whole. The scheme of government preserves the separateness of the two monarchies as completely as possible, and there is little evidence of a disposition to draw closer together.

INFLUENCE OF FRANCIS JOSEPH

The chief guaranty of the continued existence of the dual monarchy for many years past has been the deep and almost universal loyalty to the good emperor, Francis Joseph. For half a century he has safely steered his ship of state in stormy seas through a narrow and tortuous channel. Many times he has apparently escaped a fatal rock by the narrowest possible margin. Many observers of European politics are apprehensive of the most serious results when he is finally called from the helm.

Francis Joseph is a fine type of a faithful ruler, who enjoys the almost absolute confidence of his people as the result of a life of manifest devotion to their best interests. He has spent his best energies freely for his people. His



EMPEROR FRANCIS JOSEPH.

simple, kindly spirit has given him a firm hold on the affections of those who have not always approved his policy, and his personal influence has closed many an opening chasm that has threatened to disrupt the monarchy. But he is now an old man, and no successor who possesses his qualities is in sight.

Socialistic agitation, anti-Semitism and religious strife between the Roman and Protestant churches, in addition to the violent quarrels of race, make the future of the dual monarchy somewhat problematic. Very recently Austria has passed through a parliamentary storm which revealed the possibilities of evil latent in the western portion of the dual monarchy. The old antagonism of races manifested itself in some of the most disgraceful scenes of violence that have ever disgraced parliamentary proceedings. The supreme test of the ability of the warring factions in this great composite empire to maintain the delicate adjustment of governmental relations which now gives Austria-Hungary a place among the great powers of Europe will come when the present sovereign dies. The result no one can foretell.

FREDERIC W. SPEIRS.

ITALY

ITALY

EARLY HISTORY

As a geographical division upon the map Italy is one of the oldest countries of Europe ; as a unified nation it is one of the newest. The present kingdom of Italy, which now figures as one of the great powers of Europe, is less than a generation old.

At the beginning of the Christian era Italy was the political center of the world. From the Eternal City radiated the power which ruled civilization. But Rome fell before the attacks of the barbarians in 476 A. D., and Italy was presently divided into petty principalities. In 800 A. D. Charlemagne and the pope attempted to revive the imperial glories of ancient Rome by establishing a holy Roman empire, embracing the largest part of western Europe, including Italy. But the time had not come for a unified government on such a grand scale, and when the mighty personality of Charlemagne vanished the empire fell to pieces. In 843 the empire of Charlemagne was divided into three parts, and Italy, with a part of what is now France and Germany, was given to one of his grandsons. This king and his successors maintained only a shadow of authority over Italy, and soon the peninsula was in the hands of a host of princes, who ruled small areas under the feudal system.

The great religious movements of the eleventh, twelfth and thirteenth centuries, the crusades, opened up trade

routes which made Italy the commercial center of Europe and created the powerful city republics of Venice, Genoa, Pisa, Florence. As individual states these rich and cultured communities became of considerable importance in the diplomacy of Europe, but no attempt was made by these cities to weld the Italian peoples into a great nation. Through the long centuries of mediæval history down to the period of the French revolution the Italians, divided into petty states, had no conception of a united Italy.

UNIFICATION OF ITALY

Then came Napoleon with his grand imperial dream. His victorious armies overran old boundaries and uprooted ancient landmarks. On his reconstructed map of Europe he wrote "Kingdom of Italy" in bold characters across the peninsula. At Milan in 1805 he assumed the iron crown of the ancient Lombard line and took the title of king of Italy. But this partial unification of the peninsula was shortlived, for when the congress of Vienna met in 1815 to undo the work of the defeated emperor the overturned Italian thrones were set up again and the old divisions were re-established.

But the brief taste of comparative freedom and of partial unification which the Italians had enjoyed had aroused a desire for national independence and unity which was destined to work out slowly and painfully an Italian nation. About the middle of our century the one liberal and statesmanlike monarch in Italy was Victor Emmanuel II., king of Sardinia. His great minister, Count Cavour, was a most ardent believer in Italian unification, and the liberal king with his wise minister set to work to realize the dream of Italian patriots. Inspired by the knightly Garibaldi and by Cavour, Victor Emmanuel joined France in a successful war with Austria for the liberation of north-



VICTOR EMMANUEL
First King of United Italy, 1849-1878



HUMBERT, KING OF ITALY.

family. By the terms of the *statuto* the king has very large power, but custom has narrowed his authority. For instance, his assent is theoretically necessary for legislation; practically he never refuses approval of laws passed by the chambers.

Through custom, which has the force of law, the real executive of Italy is a ministry responsible to the popular branch of the national legislature. Thus the parliamentary system of cabinet government, originating in England and adopted with modifications by France, is also the governmental system of Italy. The cabinet consists of eleven ministers, each one presiding over a great department of state. In theory the king chooses these ministers. In practice he selects as prime minister a man who commands a majority in the chamber of deputies, and this premier constructs a cabinet. When the cabinet loses the confidence of the chamber of deputies the king accepts the resignations of the members and calls upon the leader of the victorious opposition to form a new cabinet. Thus Italy has free government through a responsible ministry.

THE SENATE

The Italian parliament is composed of two houses, the senate and the chamber of deputies. The senate is aristocratic in theory. It represents rank, wealth and scientific attainment. It is made up of the princes of the royal house and of members chosen by the king from certain specified classes. These classes are bishops, high officials of the military and civil service, men who have had at least six years' service in the chamber of deputies, those who pay a minimum annual tax of about \$600 and men who are distinguished for unusual scientific attainment or exceptional service to the state. The senate is permitted to judge whether a person nominated by the king properly belongs

to one of the specified classes, and thus it controls to a degree its own membership. It is a large body, at present consisting of 372 members. The appointment of members is for life.

In addition to its legislative duties the senate has certain judicial functions. Like the United States senate, the Italian senate tries impeachment cases. It also sits as a court in cases of high treason and has the curious privilege of trying all accusations against members of its own body, who are thus exempt from ordinary process.

CHAMBER OF DEPUTIES

The popular body, the chamber of deputies, is elected by a district system similar to that of the United States. The franchise is more limited than ours, however. The limitation imposed is a very reasonable one which many students of politics would be glad to see applied in our own country. Education, service to the state or property holding are made the tests of fitness for the franchise. With the exception of the classes enumerated hereafter all those who apply for the voting privilege are required to show ability to read and write and are compelled to pass an examination in the elementary subjects covered by the compulsory education course. However, those who can show a medal received for military or civil service or who pay a direct tax of about \$4 annually or rents to a certain specified amount are exempt from examination. In Italy, where illiteracy is very prevalent, the educational qualification excludes from the franchise a large percentage of the population.

The present number of the deputies is 508. The maximum term is five years, but dissolution of parliament generally cuts this short, and the average term of a deputy is about three years. The chamber of deputies enjoys the



COUNT CAMILLO BENSO DI CAVOUR
Premier of Italy 1852-1859, and 1860-1861

same special privilege accorded to the United States house of representatives and British house of commons in that revenue bills must originate in this body of the representatives of the people.

SUPREMACY OF THE DEPUTIES

The chamber of deputies of Italy presents many points of similarity to the French body of the same name and to the British house of commons. Like the house of commons it is the real governing body of the nation. The ministry is responsible to it and must resign when the majority refuses to support a government measure. The relations of the chamber of deputies and the senate are quite similar to those existing between the house of commons and the house of lords. In theory both branches of the legislature are of equal authority in legislation. In practice the chamber of deputies can control the senate and bend it to the will of the representatives of the people whenever serious conflict arises, just as the house of commons can overrule the house of lords. The method of control is the same in both countries. The ministry always represents the majority party in the chamber of deputies, and the ministry has the power through the king to appoint a sufficient number of new members of the upper house to give the desired majority to any measure upon which the popular body has determined. This has been threatened in England; it has been done in Italy. The Italian senate is a more influential body than the British house of lords, but its power is quite narrow nevertheless.

PARTY ORGANIZATION

In party organization the Italian legislature resembles the French national assembly rather than the British parliament. In the house of commons there are two great par-

ties; in the Italian, as in the French chamber of deputies, there are a large number of party groups. In Italy, as in France, cabinets must thus be sustained by coalitions of parties rather than by the compact majority of a single party. This makes ministries rather unstable, and it also gives larger room for the play of purely personal qualities in politics. In England it is party rather than the man that counts; in Italy the man dominates the party. When the party majority in the house of commons changes the entire ministry resigns and an entirely new set of men of the opposite party form a government. In Italy the new ministry formed after a government defeat in the chamber of deputies may comprise several of the members of the defeated cabinet, and it has often happened that a prime minister has met defeat by retaining office himself and making a new cabinet by dropping certain members objectionable to the deputies. This departure from the original form of parliamentary government is rendered possible by the peculiar grouping of the numerous parties in the chamber of deputies. It obscures party responsibility and is an evidence of imperfect party organization, according to the British or American standard.

THE PAPACY

The governmental problem in Italy is greatly complicated by the curious relation existing between the Italian monarchy and the papacy. Away back in the early mediæval times the pope received from a French king the grant of a considerable territory in Italy to be administered by the church as a temporal kingdom. When the holy Roman empire was created in 800 A. D. Charlemagne confirmed the grant of land to the papacy and for more than 1,000 years the pope was not only the spiritual ruler of Christen-



ST. PETER'S AND THE VATICAN, ROME

dom, but the temporal ruler of a large portion of Italian territory centering at Rome. When the Italian nation was forming an attempt was made to persuade the pope to relinquish his temporal power over the so-called papal states, but he refused. France sustained the pope and for a time the advancing Italian nationality was halted at the walls of Rome. But in 1870 France was constrained to abandon the pope and Rome by an overwhelming vote joined its forces with the new nation.

Although every consideration has been shown to the pope by the Italian government he has thus far taken an attitude of uncompromising opposition to the change of government and has maintained that the church has been forcibly robbed of its rightful sovereignty. Since 1870 he has remained a voluntary prisoner in his spacious palace of the Vatican. The spectacle of the head of the Roman Catholic church refusing to recognize the government of a people who almost without exception are loyal members of his church is a very curious one. The party which upholds the claim of the pope to temporal power is called the clerical party, and although it refrains from conscientious motives from taking any part in national government and therefore has no representatives in the chamber of deputies it is active in local affairs and its presence is a disturbing force in national politics.

GOVERNMENTAL PROBLEMS

Italy has serious governmental problems on her hands. She is a comparatively poor and undeveloped country, but she has aspired to take her place beside the greatest nations of Europe and has burdened herself with a great fleet and an expensive army. Her citizens have inherited few traditions of self-government and large masses of them are densely ignorant. When we consider these facts

we do not wonder at her financial difficulties, her frequent political upheavals and the scandal which clouds her civil service, which is administered on a plan only too familiar to Americans under the name of the spoils system. We only wonder that she has accomplished so much in achieving unity and laying the foundation of self-government.

FREDERIC W. SPEIRS.

RUSSIA

RUSSIA

TWO OPPOSING PRINCIPLES

Two contradictory principles are seeking expression in all states. One receives the name democracy, or government by the people, and the other may be called autocracy, or government imposed upon a people. The best illustration of the former is found in Switzerland. For many centuries the Swiss communes and cantons resisted the encroachments of surrounding kings and emperors. They would allow no one to impose a government upon them, neither did they succeed in forming a general government for themselves. Until far into the present century there was no compact Swiss state. The communes and cantons which have for many centuries resisted the encroachments of the tyrant are now gradually submitting themselves to a general government of their own formation. The Swiss state, therefore, is a voluntary organization of the Swiss people for the accomplishment of ends which the people approve.

Russia is by far the best illustration of an autocracy. It occupies one-seventh of the earth and its population is about 130,000,000 people. They occupy the cold side of both Europe and Asia. There is a tradition that the northern peoples have ever been a menace to the more relaxed and luxurious peoples of the south. The Chinese wall is a witness to this conviction. And Russia even now is get-

ting a firm footing on the sunny side of this wall. The Russian state is becoming articulated by railway from the Atlantic to the Pacific. The conviction grows that Russians intend to rule Asia and Europe and to transmit their religion and their methods of government to the entire world.

LOCAL GOVERNMENT

The Russian autocracy cannot be understood without some knowledge of the people. Three-fourths of the inhabitants are of Slavic race. Probably no people has ever shown an equal ability to colonize and absorb other peoples and at the same time preserve their essential race characteristics. Like the Swiss the Slavs are a people of the village community. That primitive organization which the Swiss called a commune and the Anglo-Saxon called a township, the Russian calls a "mir." To the Russian the word literally means "the world." It is the only political world which the Russian peasant has ever understood.

The Russian empire is founded upon the village community or mir. It was by this superior local organization that the Slavs gradually displaced or absorbed the older tribes. It was by the same means that they successfully resisted disintegration at the hands of various Asiatic hordes.

THE EARLY MIR

The Slavs colonized through the mir. Individual ownership of property was unknown among them. The mir owned the land, and as a co-operative society it worked the land or distributed the arable fields to the different families. All questions of common interest were settled in a meeting of the heads of the families. A head man was chosen to execute the will of the community. When a new colony is to be planted it is the mir which sends prospectors to prepare a place for the new community. The new



NICHOLAS II. OF RUSSIA.

community is a new mir, and it is by this multiplication of cells by partition that the Russians have occupied their vast dominions. The village community has shown great power of adaptation to different climes and different pursuits. Though primarily agricultural, its members yet take to farming or grazing or fishing or hunting, as occasion serves. As early as the eighth century, when German villagers were escaping from tyranny into the forest cantons of Switzerland, Slavic villagers were colonizing the country north of the Black' sea. The Swiss were accustomed to meet their enemies in the defiles of the mountains and destroy them. The Russian peasant, on the other hand, has always been a man of peace. He has submitted to robbery, or he has paid tribute, or has moved on into the unoccupied wilderness, according to circumstances. So soon as the industry of the villagers was able to produce in excess of their actual needs warrior chiefs appeared to appropriate the surplus or to exact tribute. The villagers were easily governed; they yielded readily to taxation up to the limit of their surplus products. But they clung tenaciously to their local organizations. The mir could not be destroyed.

RUSSIAN FEUDALISM

Just at the time when the feudal system was passing away from the rest of Europe it was being established in Russia. The Russian feudal system was, however, peculiar in this: the villagers held onto their lands. They permitted themselves to be owned and tyrannized over in every way, but the village land they still held in common. The lords who ruled them owned adjacent lands which they compelled the peasants to till. Many of the mirs were subject to no lord. They were owned by the church or by the emperor. At the time of the abolition of serfdom, in

1861, more than half of the mirs were on government lands. The rest were on lands claimed by lords. Yet in the eyes of the villagers the common village lands belonged to themselves. They admitted that the lords had owned the people who worked the lands; but when these people were freed they maintained that the ownership of the land passed wholly to them. The autocratic government, with the co-operation of the lords, has solved this difficulty by levying such heavy taxes upon the mirs that it becomes a positive burden to own land.

THE MIR AND THE AUTOCRACY

The mir has thus endured through all the centuries and is now the basis of the autocratic government. The government levies the taxes upon the mir. The villagers apportion the lands to their various families, and the mir is held responsible for collecting the taxes and handing them over to the authorities. Among the penalties for non-payment of taxes are flogging and transportation to Siberia. The village communities of Switzerland cultivated warlike habits and permitted no effective government to be set up over the whole people until they had learned to organize a democracy of their own. In England similar village communities were compelled to submit to the rule of lords and kings, but in their very submission they developed a practice of bargaining with their rulers for special privileges and liberties. Out of this habit there has grown up in the Anglo-Saxon world the policy of uniting taxation with representation in the government. In Russia, on the other hand, the mir has for centuries submitted to a government by brute force; it has for centuries submitted to a government in which it had no share—a government which the people did not understand. The autocracy of Russia is a government imposed upon a peaceable and non-resistant people.

Alexander II., who liberated the serfs in 1861, undoubtedly entertained the idea of establishing a rational connection between the mir and the central government. In 1864 local assemblies were established in which were brought together on terms of equality representatives from the mirs, from the gentry of the district, from the clergy and from the towns or cities. A good deal of power was nominally conferred upon these assemblies in the line of voting taxes, founding schools, building roads, etc. At the time of his assassination, in 1881, Alexander had in hand the completion of a scheme for constitutional government by means of a representative national assembly. The reign of Alexander III., which followed was reactionary. Not only was there no suggestion of a national representative assembly, but nearly all power was stripped from the local district assemblies. Thus the autocracy has been strengthened. The central bureaucratic government reaches down to the mir. Mr. Wallace, author of a well-known work on Russia, states that the officers of the bureaucracy are strangely ignorant of the constitution of the mir. They seem to know merely that it is an organization containing five-sixths of the people and that for centuries it has peaceably submitted to all sorts of tyranny and abuse. The mir as an organization for the control of its own members has been and continues to be a pure democracy. In Russia, therefore, to-day extremes meet; a pure autocracy rests upon a pure democracy.

THE AUTOCRACY

The main features of the autocratic government are a creation of Peter the Great, who died in 1725. The autocracy is therefore about 200 years old. There had been before centuries of government over the mirs at the hands of lords, princes and kings. There had been much anarchy



PETER THE GREAT
Czar of Russia 1682-1725

and confusion resulting from a conflict of authority. Peter set himself to make an end of disorder and to give to the state a compact and effective organization. In the formation of all modern European states the church has furnished the most effective basis of union. Surely Russia is no exception to this rule. The Russians had long belonged to the Greek orthodox church. There was a patriarch of Russia corresponding to the archbishop in England and a systematic church government extending to all parts of the state. The church owned much of the land



WINTER PALACE AT ST. PETERSBURG.

and enjoyed the exclusive right of taxation over many of the *mirs*. Peter determined to have no rival in his government. He therefore abolished the office of patriarch and in its place established a holy synod made up of church officials selected by himself and continued in office at his own pleasure. Hence the holy synod is simply a tool of the czar. The head of the synod is not a clergyman at all, but is one of the czar's chief lay officials. It would be difficult to imagine a state in which all church authority was more absolutely fused with the authority of the state. The suc-

cess of the autocracy is largely explained by this fact. There is absolute union of church and state. The czar crowns himself as the head over all. The state escapes religious controversy by not attempting to set the specific beliefs. Russia is simply a part of the orthodox church, and it is the business of the state not to define the details of belief but to defend the faith, to enforce the observances of the church and to see that no one lapses from the creed. The state has nominally tolerated other religions, but as the autocracy becomes more perfect the powers of government are so exercised as to make it clearly for the temporal interest of all to adopt the orthodox faith. The church is not a teaching agency. Strictly speaking, there is no pulpit, no public teaching; it is a religion of ceremony, of endless doings; a religion of taxation. The orthodoxy at all points supports the autocracy.

Besides the holy synod, through which all the powers in the church are made to center in the czar, there are three other bodies. These are the committee of ministers, the council of state and the senate. One not acquainted with an autocratic government would suppose that among so many co-ordinate bodies there would be a division of labor—one attending to lawmaking, one to administration and another to judicial business. But in an autocracy all the business must be kept united. Each body attends to all sorts of business. There can be no separate lawmaking body, because in the strict sense of the term there can be no laws. In the place of laws there are decrees, there are arbitrary commands. If the state should pass under the reign of law the autocracy would be at an end. It is the business of these various high functionaries to prevent the establishment of a reign of law. For instance, the separate ministers of the committee of ministers issue documents explaining the meaning of the so-called laws. These



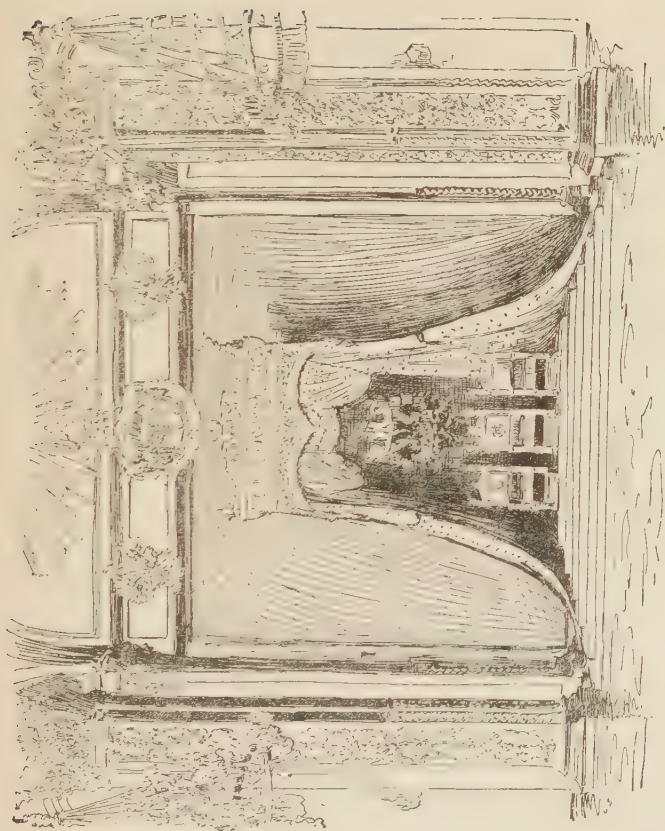
A METROPOLITAN OF THE GREEK CHURCH.

explanations are accepted as having higher authority than the laws themselves. That is, the administrative officers, who hold their places at the will of the czar, are made an agency to prevent the establishment of enduring law. Likewise the courts from top to bottom must be kept in arbitrary hands. As there is no statute law, so there must be no judge-made law. The judges must support the autocracy regardless of law or there can be no autocracy.

THE MINISTERS

For purposes of administration there are twelve departments or bureaus, with a minister at the head of each. These are the departments of war, the navy, foreign affairs, justice, education, and the like. In the ordinary European sense there is no united ministry, no prime minister. Each minister is directly responsible to the emperor. Each bureau is a separate channel through which the autocrat directs the business of administration. The regular channel for the promulgation of the so-called laws is through the senate, yet the committee of ministers issues rules and explanations which have the force of law. It is only in this way that there is a united action of the ministry. The czar controls the judiciary especially through one department, the bureau of justice.

At the time of the death of Alexander II. there were ministers in office who believed in constitutional government. When the next czar exhibited reactionary tendencies the ministers resigned in a body. Alexander III. called them into his presence and ordered them to resume office. A little later he removed them from office and filled their places with men in harmony with his own views. In an autocracy ministers are not permitted to resign against the will of the autocrat. He must command the offices at will.



THE THRONE OF RUSSIA.

The council of state has usually about sixty members chosen by the czar. The twelve ministers have a membership by virtue of their office. This is primarily a body for consultation and information. Reports from the bureaus are considered here. Commissioners are appointed by the czar to investigate special recommendations made by a minister and they report to this body. In the department of the interior the business is distributed to more than fifty provinces, or governments, and a governor-general with a council is set over each province. Reports from these governors are considered in the council of state. The council also considers the annual budget. The senate is regarded as the court of last appeal in the judicial system, yet the council of state may revise the judicial decisions of the senate.

THE SENATE

The senate is composed of high dignitaries appointed by the czar. As already stated, it is through this body that the more formal laws or acts of the czar are promulgated. The senate is charged with the business of supervising the administration of the laws. It may call to account any minister or any governor or officer in the provinces. For this supervisory work it is divided into seven departments, while as a court of last resort it has two departments.

There are, therefore, four main agencies through which the autocrat may act—in matters sacred, through the holy synod and the clergy; in matters secular, through the twelve bureaus and the committee of ministers, through the council of state and through the senate. In all these agencies of action legislative, executive and judicial business are more or less united, and theoretic harmony is reached by centering all acts of every sort in the czar.

THE THEORY OF AUTOCRACY

From the above description it appears that five-sixths of the people of Russia are subject to two governments contradictory in principle and both of them absolute. The government of the mir rests with the heads of families in town meeting. It is a government resting directly upon the will of the governed. There is entire freedom in the process of discovering the will of the mir. All have equal right of persuasion. There is a sort of unwritten law of the mir requiring all decisions to be unanimous. If, as an incident to the process of reaching a conclusion a count is made, there is still no decision until the minority has yielded to the preference of the majority. There are no appeals from the determination of the mir. Within the range of its powers it is an absolute democracy. There is no appeal to a higher power. The mir in full meeting decides every sort of question. Its officers are strictly subject to the body as a whole. The mir is not an organ of the bureaucratic government. The people of the mir are simply victims of the bureaucracy, especially in matters of tribute.

In the opinion of the conscientious autocrat all movements toward democracy are movements toward anarchy and barbarism. The autocrat believes that he represents and personates the divine will. He believes that peace and order and civilization will be advanced according as all men are induced to submit to this will. In his view real progress is a movement away from democracy toward absolute submission to autocratic rule. Between autocracy and democracy there is an irrepressible conflict.

The conscientious autocrat is by nature a persecutor. Autocracy is itself a religion, and it is a religion which can brook no rival. The czar must prevent his subjects

from lapsing into heresy. He must destroy those whose teachings or conduct endanger the faith of his people. Orthodoxy is the chief support of autocracy. As an incident to the acquisition of territory the government of Russia has become committed to the policy of toleration toward Catholics, Lutherans, Mohammedans, Jews and others. Yet the reactionary emperors have not hesitated to persecute and to seek to destroy or convert by force all whose presence has seemed to weaken the orthodox faith.

In an autocratic state there can be no freedom of discussion. There can be no public opinion. Every organ of public opinion must be suppressed or destroyed. In Russia there is no public press, no platform, no pulpit, no agency of any sort for the development of a political consciousness. There is a superstitious or religious consciousness fostered by the autocracy. The aim is to restrict all political consciousness to the one duty of obedience. Newspapers are printed not to instruct but to deceive. For the same purpose official reports are published. The czar is deceived, the ministers are deceived, all classes are deceived. President Lincoln said that it was impossible to deceive all the people all the time. This is probably true where there is free discussion. But in an autocracy all are deceived all the time. During the late war between Russia and Turkey a Russian admiral published a detailed account of a brilliant victory over a Turkish fleet, while the fact was that at sight of the enemy he had run for his life. The government at the time took the position that this species of lying was injurious, and the officer was court-martialed and removed from office. Yet a little later Alexander III. made this publicly convicted liar prefect of St. Petersburg. In an autocracy it is not safe to go very far in restraint of lying.

In an autocracy, since there can be no appeal to reason

and conscience, no appeal to an enlightened public opinion, no effective dependence upon education and training, the government is forced to rely upon brute force, or the power to torture and to kill. Such a government tends naturally to become more and more cruel. A brutal punishment blunts the sensibilities and thus becomes ineffective. A severer form of brutality is hence demanded. The serfs were liberated in 1861, yet to-day peasants are hunted like slaves and forced to return to their homes; they are mercilessly flogged, tortured, consigned to a living death in the mines. A government by force tends naturally to become increasingly cruel and heartless.

The autocracy breeds naturally conspiracies and assassinations. The government is itself an organized conspiracy. It proceeds by stealth and secret processes to rob and destroy the people. Without warning it lays hold of those who have violated no law and subjects them to extreme penalties. The ordinary processes of an autocratic government resemble in many ways those of an assassin. But autocrats have not hesitated to employ actual assassination. It is believed that Alexander III. (*Blackwood's Magazine*, vol. 157, p. 325) encouraged assassination in the contest with the prince of Bulgaria. It is a law of nature that a government which puts the sword in the place of law will perish by the sword.

JESSE MACY,
Iowa College.

SWITZERLAND

SWITZERLAND

If we attempt to gauge the importance of Switzerland by the space which she occupies upon the map of Europe we shall wonder why a chapter of this course has been allotted to her. Her picturesque mountains and valleys cover an area less than one-third as large as the state of New York, while her total population, about 3,000,000, is a half-million less than the population of the metropolis of that state. But insignificant as she is from the standpoint of area and population, the little state of Switzerland rightfully claims a place in this course on the governments of the world side by side with the great nations of Europe, for within her narrow boundaries there has developed the most perfect type of democratic government that the world has yet seen.

THE DEVELOPMENT OF THE FEDERATION

The governmental history of the little cantons which make up the present state of Switzerland is a thrilling story of the persistent struggle of a handful of simple herders, farmers and handicraftsmen for the dearly prized right of self-government. Away back in the early mediæval period we find these mountain dwellers organized in small communities stubbornly resisting the attempt to impose upon them the arbitrary authority of the feudal system. As early as the thirteenth century the three forest cantons about Lake Lucerne united in a league for mutual

protection and thus created the germ of the present confederation. Gradually the league grew and during the troublous times of the middle ages a strong confederation guarded the liberties of the Swiss people.

The people thus bound together have been from the beginning most diverse in race, language and customs. Switzerland is the source of the chief rivers of three great nations—the Rhine flowing through Germany, the Rhone through France, and the Po through Italy—and within the little mountain region at the headwaters of these rivers the languages of all three nations are spoken and the respective racial customs of Germany, France and Italy are cherished by groups of people who proudly bear the common name of Swiss. When the great wave of Protestantism swept over northern Europe in the sixteenth century it did not reach all parts of the Swiss territory and thereafter a new division of the Swiss people existed. Part of the cantons were converted to Protestantism and part remained loyal to the Roman Catholic church. But even this new antagonism added to racial and linguistic differences did not destroy the confederacy.

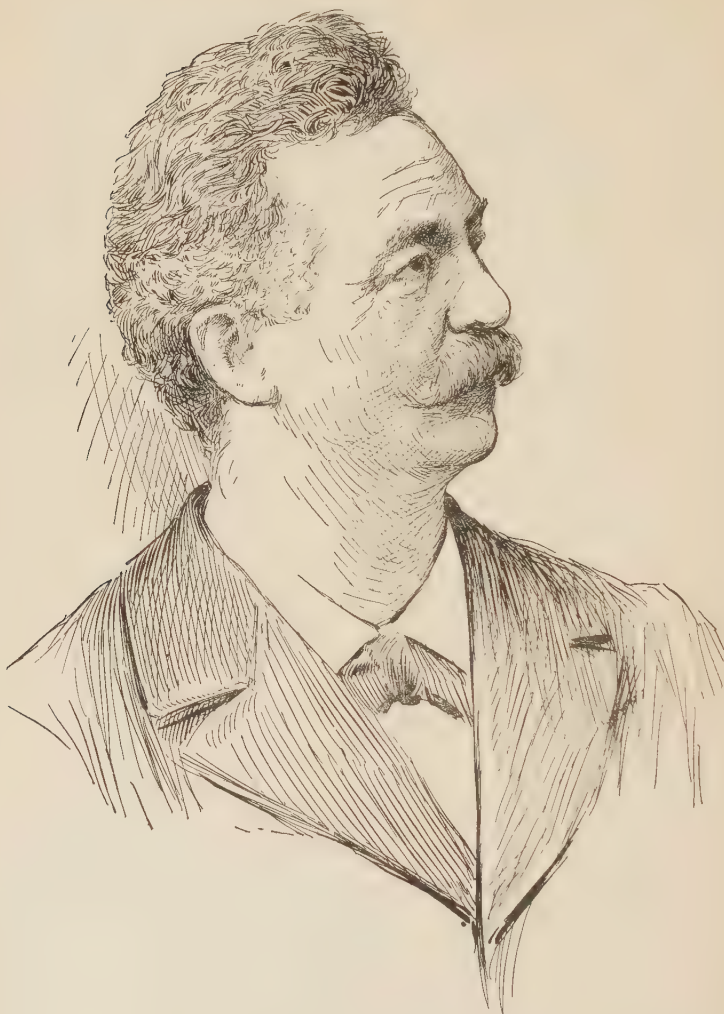
At the conclusion of that great struggle between the forces of Protestantism and Catholicism, the thirty years' war, Europe recognized the independence of Switzerland in 1648 and the league maintained a comparatively peaceful existence until the great upheaval of the French revolution. Then in 1792 the victorious French republic attempted to cast Switzerland in its own mold. But the Swiss people did not take kindly to the strongly centralized Helvetic republic imposed upon them by their officious neighbors, and when Napoleon established his empire they obtained from him a new government somewhat on the lines of their ancient league. When the strong hand of Napoleon was removed and the congress of Vienna re-

organized Europe on the old basis the Swiss cantons entered into a new agreement known as a pact of 1815. Under the pact, reaction from the strongly centralized government established by the French conquerors weakened the league, then religious dissensions arose, and finally in 1843 seven Roman Catholic cantons seceded. For four years two independent leagues nominally existed, but in 1847, after a short war, the seceding cantons were forced back into the original confederation. A new constitution was formed immediately afterward and this constitution of 1848, revised extensively in 1874, is the present basis of the Swiss government. Thus the federal process which has been at work for 600 years has finally built a strong federal republic.

The present confederation is made up of twenty-two cantons, which in their governmental relations to the nation resemble very closely the states of our American union. Like our states, each of these cantons is sovereign with reference to all governmental functions except those expressly delegated to the national government by the federal constitution.

THE CANTONS

The cantons differ more widely than the states of the American union in the detail of their government, but there are certain common principles of organization running through them all. In eighteen of the twenty-two cantons there are legislatures elected by universal suffrage. Each consists of a single house, the members of which are elected for terms varying from two to five years. The executive power in all of the cantons is intrusted not to an individual as in the United States, but to a commission, usually of five or seven members. This executive council is independently elected by the people, but its most important acts are subject to the revision and approval of



EDWARD MUELLER, PRESIDENT OF SWITZERLAND.

the legislative body. The Swiss people do not accept our American theory of separating as widely as possible the departments of government and balancing an independent executive against an independent legislature. They believe in centralizing power and responsibility in the legislative body by giving it not only the lawmaking function, but also the oversight and control of the administration of the law which it makes. Thus in cantonal and federal government alike the relations of the legislature and the executive are very close. The executive council assists in lawmaking by framing proposals for the legislature and by participating in discussion, while the legislature controls more or less absolutely the administration of law through its power to oversee and confirm executive action.

PURE DEMOCRACY

In four of the small cantons primitive democracy of the purest type reigns. In these most interesting little states there are no representative assemblies. Instead, the entire body of the citizens assemble on a given day in mass-meeting to make their laws and elect their executive officers. This is self-government in its most perfect form, for here every citizen has personal voice and vote in the making of the law which he must obey. Manifestly such direct self-government is possible only in small communities. Even in the smaller cantons of Switzerland in which it is applied the mass-meeting is so large that effective discussion is difficult, if not impossible, and it is necessary to have measures prepared in advance by a council for submission to the democratic assembly. Practically, then, the power of the assembled people is limited to the acceptance or rejection of proposals for law as framed by the council, although theoretically the right of private initiative exists. The cantons which maintain this system of legislation by

mass-meeting afford the best illustration in the world of pure democracy applied to the government of a state. We have in this country a similar democratic assembly in the New England type of town meeting, but in our case the scope of the democracy is purely local, while in the four Swiss cantons all the questions arising in a sovereign state are dealt with by mass-meeting.

THE FEDERAL LEGISLATURE

The existing federal government is an enlarged copy of the cantonal government in many respects, although certain features of the United States federal system were introduced by the makers of the constitution of 1848. The legislative power of the confederation is vested in an assembly composed of two houses. This form of the legislature reveals foreign influence, for the cantonal legislatures all consist of one house. In composition these houses bear a close resemblance to the two houses of the American congress. The house which corresponds to our senate is called the council of states and is composed of forty-four members, two from each of the cantons. This arrangement for representation of the constituent cantons is manifestly similar to the representation of states in our senate. But instead of following our precedent in prescribing a uniform term and uniform method of choice the Swiss constitution leaves the determination of these matters to the cantons, with the result that in some cases members are chosen by the cantonal legislatures, in others by the people, while the term varies from one year to four years.

The body which corresponds to our house of representatives is called the national council. This house is made up of members chosen by direct popular vote for a three years' term. The members are apportioned among the

cantons on a basis of population, one representative for each 20,000 people. The national council now has 147 members.

The two bodies which make up the federal assembly have equal legislative powers. The council of states has no special executive functions. In this it differs from our senate, which in addition to its legislative duties has the peculiar executive function of confirming appointments and ratifying treaties. The diversity of race of the members of the Swiss confederation is curiously reflected in the discussions in the federal assembly. Each member speaks in the language which he prefers and the debates are thus conducted in three languages, German, French and Italian, while all formal proceedings are read twice, once in German and once in French.

THE FEDERAL EXECUTIVE

In constituting the executive Switzerland has followed cantonal models rather than those of its sister republics, the United States and France. The federal executive is collegiate, not individual. Like the United States, Switzerland has a president and a vice-president, but the president of the Swiss confederation is simply a chairman of an executive council of seven members, elected every three years by the two houses of the national legislature in joint session. The executive policy is determined by a majority vote of this body of seven men, and the president has no more influence in administration than any other member of the council. He is simply the official representative of the republic in foreign relations and the head of the government for ceremonial purposes. The president and vice-president are chosen annually from the members of the council by the federal assembly, and neither can fill the same office for two successive terms.

The members of the executive council have the privilege of introducing measures and participating in the discussion of the legislature, but they have no vote. In this respect they occupy an intermediate position between the members of the American cabinet, who have no right even to speak in congress, and the members of the British cabinet, who not only speak but vote in parliament. Each of the seven members of the council presides over a special department of administration, acting thus in the same manner as our cabinet officials.

The political conservatism of the Swiss is strikingly exemplified in the history of this executive body. Although it is possible to change entirely the membership of the executive council every three years, a practical life tenure is secured for competent officials through repeated re-election. During a period of forty-five years from 1848, when the present system was established, only thirty-one different individuals had held seats in the federal council. This conservatism keeps men in the council without regard to the political change in the assembly, and it thus happens that the majority of the council often does not coincide with the party majority in the electing body.

THE COURTS

A federal system demands a federal court to interpret and apply the national law and to decide conflicts of jurisdiction between nation and state or canton. The Swiss judicial system is constructed on the same general principle as that of the United States. Cantonal courts correspond quite closely to our state courts, while a single federal tribunal composed of fourteen judges elected by the federal assembly for six years fulfills functions similar in a general way to those exercised by our United States courts.

GROWTH OF FEDERAL POWER

It is not difficult to amend the Swiss constitution, and both by formal amendment and by broader interpretation of the original grant of power to the federal government the scope of the authority of the confederation is growing rapidly at the expense of the independence of the cantons. The cantons are too small to provide adequately for their citizens many of the facilities demanded by modern civilization, and the general government is gaining strength through the recognition that co-operation in public works is desirable. Other forces are tending to weld the cantons into closer federal union and the powers of the Swiss confederation are thus constantly widening.

REFERENDUM AND INITIATIVE.

Switzerland is universally recognized as the most democratic of governments. In four cantons pure democracy prevails, and in those which are too large for government by mass-meeting the people have developed a system which enables them to set aside at will the judgment of their representatives and to vote directly upon important measures. This system is the plan of referendum and popular initiative.

Under the referendum, laws framed by a representative legislature are referred to the people for approval or rejection by majority vote. Referendum is of two kinds—optional and obligatory. Under the first form the people may petition for the submission of a particular law to popular vote; under the second form all laws must be submitted for popular ratification. Under the second or obligatory form the legislature becomes simply a body for the framing of legislation. The real lawmaking body is the people. All the cantons save one have the refer-

endum, about half having the obligatory form and half the optional form. The German cantons use the referendum most freely.

The federal government has had the optional referendum since 1874. On demand of 30,000 citizens a federal law of general application must be submitted for popular ratification by majority vote. During the first twenty-one years after the adoption of the referendum system twenty laws passed by the federal assembly were submitted upon petition, and of these six were ratified and fourteen rejected.

The initiative is the logical complement of the referendum. The Swiss people were unwilling to be confined to the power of passing upon measures which the legislature saw fit to propose and so they adopted a plan which enables a body of citizens to frame a law and bring it before the people by petition. All but one of the cantons authorize the initiative for constitutional amendment, and nineteen out of the twenty-two permit the proposal of ordinary laws by popular petition. In the confederation the popular initiative extends only to the proposal of constitutional amendments, which must be submitted to the people when 50,000 voters petition for this action. The initiative has been little used in either cantonal or federal government.

RESULTS OF THE REFERENDUM

The operation of the referendum has been watched with intense interest by students of political science. Opinions of competent observers with reference to its usefulness differ widely. The conditions for its success are most favorable in Switzerland. A population of relative equality of wealth and of high average intellect, with immemorial traditions of self-government, is surely good ma-

terial for an experiment in democratic control of legislation. The results have not been conclusive of the value of the system. The most interesting result is the demonstration of the conservatism of the democracy. This conservatism has been brought out strikingly in the disapproval of a proposed law to give daughters an equal share of inheritance with sons, and in the refusal of the people to approve moderate factory regulations proposed by the legislature. In our country many persons are urging the adoption of the referendum, hoping thus to secure sweeping changes in our law. Careful examination of the experience of Switzerland reveals little to justify such a hope, although it is impossible to predict American action from Swiss results, for the conditions in the countries are essentially different. Nevertheless the largest federal republic in the world has much to learn from the smallest in the school of democracy.

FREDERIC W. SPEIRS.

TURKEY

TURKEY

INTRODUCTION: HISTORICAL AND POLITICAL

With the fall of Constantinople in 1453 before the conquering Turk the eastern empire of Rome came to an end—an event from which many writers date the beginning of modern history. How to get the Turk out of Europe has been a problem ever since. To the European body politic Turkish rule is an alien substance, like the proverbial thorn in the flesh. In 1853, 400 years after the fall of Constantinople, the prophecy went forth that Turkish rule in Europe having filled out its allotted 400 years should now come to an end. It was then that Nicholas, czar of Russia, in conversation with the English ambassador at St. Petersburg, called Turkey the “sick man.” No doctor, it was thought, could restore the patient to health, and the matter of immediate concern was to agree about the dying man’s inheritance. According to Nicholas’ plan the European provinces of Turkey—Servia, Bulgaria and Bosnia—were to be made independent states and, with Moldavia and Wallachia, were to be placed under a Russian protectorate, while England was to appropriate Egypt and Candia. However, in spite of this and many similar schemes for the dismemberment of European Turkey, the Turkish power in Europe still abides, and it becomes necessary in a series of lessons on the European governments of to-day to bring Turkey into consideration.

It is important to notice first the meaning of the state-

ment that Turkey is alien to Europe. The government of Turkey is European only in a geographical sense. In civil and political ideas, in race and religion, in its governmental organization, Turkey is Asiatic, not European. The legislation of the Ottomans was founded originally upon the customs which prevailed upon the steppes and plateaus of Asia. The Turks were modified in their religion and their national life by their conversion to Islamism, but in their principles of government they are essentially what they were upon the Asiatic steppes. The difference between the government of Turkey and that of any free state of western Europe is so fundamental, so wide and deep and far-reaching, that they are to be contrasted rather than compared. It is the contrast between barbarism and civilization. "Turkish rulers," says Mr. Freeman, "have nothing to do with Europe beyond the fact that they live and bear rule within her borders. It is hard to describe the actual state of things except by the use of words which belong to another state of things, and which when applied to the state of things which exist in southeastern Europe have no meaning. If we use such words as *nation, people, government, law, sovereign, subject*, we must give them all special and new definitions. Southeastern Europe contains nothing which corresponds to the meaning of those words in western Europe."

Mr. Freeman reminds us that, while the Turk came into Europe as a conquering race, there has been between conquerors and conquered no coalescing, no assimilation, no co-operation. The Franks conquered Gaul and were soon assimilated in the general mass of the people. So with the Lombards in Italy and the Saxons in England. But the Turks are as alien in Europe now, just as distinct from the mass of the people whose land they entered and over whom they bear rule, as they were 500 years ago.



SULTAN OF TURKEY.

"They have not adopted the language and manners of the people of the land, nor have the people of the land adopted their language and manners. They have never become the countrymen of the people of the land; they still remain foreigners and oppressors. The so-called sovereign is in no sense the head of the people of the land, but is simply the head of the conquering strangers." Turkey in Europe is merely "an army of occupation."

This state of things indicates the great distinction, politically, between Turkey and western Europe. It is a distinction to be accounted for by fundamental differences in race, language and religion. Above all, it is the Turkish religion which has prevented the assimilation of that race into the political and governmental life of Europe. It is this which has prevented the distinction between the conquered and conqueror from being overcome. As Mr. Freeman points out, to the Englishman or American "subject" and "citizen" alike mean a man who is a member of a political community, and who has or may have a share in the choice of those who make and administer the laws. The sovereign Victoria is merely the head of the national body of which the citizen subjects are controlling members. But the Christian subjects of the sultan are merely members of a body, or race, which is held in subjection by a body, or race, of which the sultan is the head. Thus, the Turkish government of non-Turkish subjects is clearly a government of military force. The non-Mussulmans are not and probably never can be members of the Turkish political community.

POLITICAL ORGANIZATION OF TURKEY

However, this Turkish political community, or nationality, is organized and governed on principles utterly foreign to the political thought of the American.

Turkey is an unlimited, absolute monarchy. It is impossible to study the government of Turkey as we would that of any government of western Europe, because of the fact that Turkey has no constitutional organization. It is in the most emphatic sense an absolute monarchy. How its provinces are governed to-day or how they will be governed next week or next year depends upon the caprice and will of a single man. Turkey's government is pre-eminently a government of men, of ruling functionaries; it is not a government of laws.

Of these ruling functionaries we notice the following:

1. *The Sultan.* The sultan is the constitution and the government. His will is law. He appoints and displaces as he pleases, and in the most willful manner. Without any known reason he may banish a minister to a distant part of his empire. He is now even more absolute than in former years; for the present sultan, Abd-ul-Hamid II., a man of able parts, has drawn to himself much of the power formerly exercised by the sublime porte, or the cabinet.

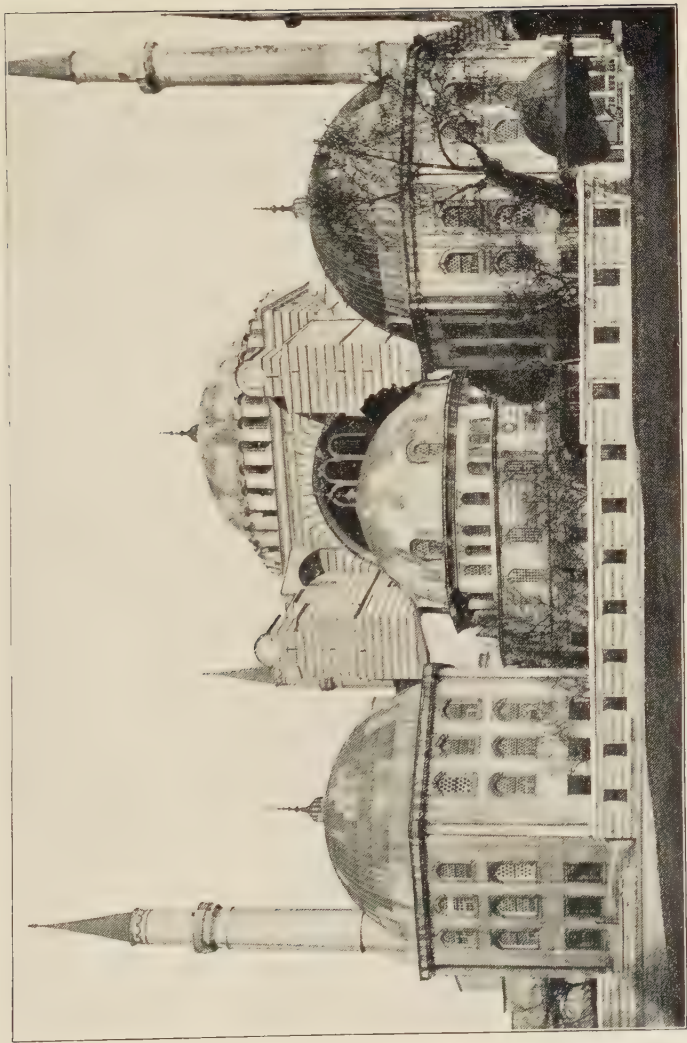
As the sultan's power is irresponsible, so his person is inviolable. He is the sacred, anointed ruler in direct descent from the house of Othman, the founder of the Ottoman empire. The present sultan is the thirty-fourth in descent from Othman, the twenty-eighth since the fall of Constantinople. By the law of succession the sultan's crown is inherited according to seniority by the male descendants of Othman. All children born in the harem, which is considered a state institution, are legitimate, whether born of slave women or of free. The sultan is succeeded by his eldest son only in case there are no uncles or cousins of greater age.

2. *The Grand Visier.* Under the supreme direction of the sultan the legislative and executive authority of the

state is exercised by the high dignitary known as the grand vizier. He is the under-head of the temporal government and may be known as the prime minister.

3. The *Sheik ul-Islam*. Corresponding to the grand vizier in affairs of state is the sheik ul-Islam or the "mufti" for the affairs of the church. This official is the highest Ottoman ecclesiastical functionary, and, as has been indicated, represents the sultan in religious affairs as the grand vizier does in temporal affairs. These two high dignitaries are appointed by the sultan and may be removed by him. The sheik ul-Islam is appointed with the nominal concurrence of the "ulema," a body comprising the clergy and the chief functionaries of the law, over which the sheik ul-Islam presides, though he himself does not exercise priestly functions. The *ulema* comprises all the great judges, theologians, jurists, the great teachers of literature and of science who may be summoned by the sheik ul-Islam. As head of the church the sheik ul-Islam has peculiar power and influence while in office. No Ottoman sultan was ever deposed until after the *mufti* had issued a *fetva* (official opinion) against him; such a *fetva* once issued it would be very difficult, if not impossible, for the sovereign to retain his place.

4. The *Sublime Porte*. The grand vizier as head of the government and representative of the sovereign is assisted by a privy council, which corresponds to what may be called a cabinet. This consists of the following officials, who preside, subject to the will of the sultan, over their respective departments: 1, the grand vizier, the head of the cabinet; 2, the sheik ul-Islam; 3, minister of the interior; 4, minister of war; 5, minister of worship; 6, minister of public instruction; 7, minister of public works; 8, minister of finance; 9, minister of marine; 10, minister of civil list. All the ministers are subject to the



MOSQUE OF SANCTA SOPHIA, CONSTANTINOPLE

absolute power of the sultan, and together they constitute the sublime porte.

The Sultan Is Bound by the Koran. Is this personal absolutism unmodified? Are there no laws by which the sultan is bound? The fundamental laws of the empire are based upon the precepts of the Koran, and the absolute will of the sultan is restrained only by the provision that he shall not contravene the accepted truths of the Mohammedan religion as laid down in the sacred books of the prophet. Next to the Koran the laws of the "Mul-teka," a code formed of the supposed sayings and opinions of Mohammed and the sentences and decisions of his immediate successors, are binding upon the sovereign as well as upon his subjects. The code of laws of Solyman the Magnificent is also held in general obedience, though only as an emanation of human authority.

DIVISIONS OF THE EMPIRE

The whole empire is divided into thirty-one governments or provinces (vilayets), and these are subdivided into districts, subdistricts and communities. Over each vilayet is a *vali*, or governor-general, who is assisted by a provincial council. The subdivisions of the empire are subjected to inferior authorities under the superintendence of the governor-general. Appointment to the lower divisions or a modification of the province may be made directly by the sultan, as is sometimes done for political reasons.

There is no aristocracy in Turkey. The state is autocratic, not aristocratic. All subjects, however humble their origin, are eligible to the highest offices in the state. Slaves are the only legally subordinate class. Manumitted slaves and persons of the lowliest origin often attain the highest positions.

FOREIGN PROTECTION IN TURKEY

Under the capitulations foreigners residing in Turkey are under the laws of their respective countries and are amenable for trial to a tribunal presided over by their consul. Foreigners who own real property are amenable to the Ottoman civil courts relative to their landed property. Cases between foreign and Turkish subjects are tried in the Ottoman courts, a dragoman, or interpreter, of the foreign consulate being present to see that the law is properly carried out. If the decision be against the foreigner his consulate executes the decision. Cases between two foreign subjects of different nationalities are tried in the consular court of the defendant.

CONSTITUTIONAL REFORMS

Frequently reforms have been proposed for Turkey and occasionally constitutions have been drawn up for the administration of the empire. The latest constitution was "promulgated" by the present sultan in 1876. While reserving great powers in the hands of the sultan it provided for constitutional government through a senate, a chamber of deputies, a recognized judiciary and a council of state. The members of the chamber were to have the parliamentary immunities—the liberty of person, opinion and vote. The initiative in making the laws was to belong to the ministers of the sultan. The constitution conceded this also to the chambers, but in practice the propositions emanated from the chambers were to be transmitted to the sultan, and if satisfactory to him they were to be submitted to the council of state, which was charged with the final preparation of the proposals. The projects elaborated by the council of state were to be first presented to the chamber of deputies and then to the sen-



SULTAN'S PALACE, CONSTANTINOPLE.

ate, to whom the constitution gives chiefly the function of examining whether the proposals contain unconstitutional provisions. Finally the proposals must obtain the approval of the two chambers and the sanction of the sultan. The chamber of deputies should examine in detail the budget and the annual accounts. The ministers were to assist in the sessions, to have the right of taking part in the deliberations, and they were bound to give the chambers all necessary information. The ministry were to be responsible in the sense that the chamber of deputies by a two-thirds vote may decide upon their dismissal upon accusation; but this decision to accuse, or impeach, must be sanctioned by the sultan, who alone was to have the power to summon the ministers before the supreme court—a court of senators, councilors and members of the court of cassation.

Such a constitution fairly administered would offer "young Turkey" a tolerable government. But the constitution has never been put into execution and under the present condition of the Ottoman empire it probably never can be applied. Delays, postponements, evasions, duplicity, violated trusts, generations of disheartening experience by those who have hoped for reform, all go to make us believe that the only good Turkish government is one that has become extinct. The best service the "sick man" can render the world is to give up the ghost.

J. A. WOODBURN.

University of Indiana.

CANADA

CANADA

EARLY HISTORY

In the scramble of European nations for territory in the New World in the seventeenth century Canada fell to the share of France. A permanent settlement was made at Quebec in 1608 and from that vantage ground the French pushed their outposts westward through the St. Lawrence region and southward along the Mississippi valley. France remained in possession of the region her people had explored and colonized until the end of the French and Indian War in 1763; when she retired from the new world ceding Canada and all her territory east of the Mississippi to Great Britain. Twenty years later, in 1783, Great Britain signed the treaty of Paris, recognizing the independence of the United States and drawing a line between the United States and British America which very nearly coincided with the present boundary.

When Canada fell into the hands of Great Britain the country was at first governed by a representative of the British crown assisted by a council also appointed by the king. But in 1791 a large measure of self-government was given, through a constitution providing for a colonial legislature. The country was originally divided into Lower Canada, now the province of Quebec, which was essentially French, and Upper Canada, now the province of Ontario, which was almost purely British. The dangers

of racial and religious conflict between English Protestants and French Catholics which at times threatened to become serious were minimized by a most liberal policy on the part of the government towards its French Catholic subjects, and in 1841 a legislative union between the sections was consummated. Finally in 1867 an imperial act provided for the federation of all the North American possessions of Great Britain under the name of the Dominion of Canada.

ACT OF CONFEDERATION

The system of government established in Canada under the act of 1867, which confederated the North American possessions of Great Britain, is that of a federal union—the first of its kind in the British empire. There is a central government, which controls all matters essential to the general development and unity of the whole dominion, and a number of provincial governments having control and management of certain local matters conveniently falling within their jurisdiction. Contrary to the usually accepted idea of the servient position of a “colony,” the dominion independently exercises the largest possible rights of legislating on all matters of importance to the confederation generally, without interference from England. The position of Canada is, in fact, that of a semi-independent power. It is true that the governor-general is apparently an official of the English government, but he can only act on the advice of his Canadian advisers; and, so far as active government is concerned, his position is that of a mere spectator. It is also true that the British crown has a right to veto acts of the Canadian parliament within two years after their passage, if it sees fit to do so, but the exercise of such right is extremely rare, and has never yet proved irksome. Copies of all acts



SIR WILFRID LAURIER, PREMIER OF CANADA.

are forwarded to England, and the imperial government frequently points out errors, defects, omissions, etc., with a view to their being remedied, but this is a very different thing from a veto.

The government of Canada may be best considered under three divisions: (1) Federal, (2) Provincial and (3) Territorial.

FEDERAL GOVERNMENT

A. Executive Branch.—The seat of government is fixed at Ottawa until the queen otherwise directs. The chief executive authority is nominally vested in the queen, in whom also is vested the chief command of the militia and of all military and naval forces of the dominion. Her majesty is represented by a governor-general, appointed by the British government for a period of five years, at a salary of \$50,000 per year by the people of Canada. The governor's position must not be misunderstood. He is not a viceroy, and possesses no independent and scarcely any discretionary power. He is bound strictly by the terms of his commission, which are narrow, and can only exercise such authority as is expressly intrusted to him therein. He governs under the advice of a council or ministry known as the privy council of Canada, and he is not at liberty to be present at the sittings of this body.

The active ministry or cabinet, as it is popularly called, consists at present of eighteen members, each of whom has charge of some one particular branch of the administration, such as finance, customs, militia, public works, etc. The members of the cabinet must be members either of the house of commons or the senate. They are chosen as follows: After a general election the governor-general summons the acknowledged leader of the political party—liberal or conservative—which has been successful at the polls. This leader, known as the premier, then selects

from his own party the men whom he desires to assist him in the administration, and in doing so, it might be added, he generally gives due consideration to the claims of each province to be represented in the ministry. The cabinet so formed is responsible to the house of commons, not only for all expenditure, but also for its tenure of office; for, should a majority of the members of the house of commons censure by vote any act of the cabinet, the latter body is obliged to resign. It will be clear, therefore, that should the people desire a change of ministry it is only necessary for them to elect a sufficient number of members of the opposite party to outvote the ministry in the house of commons. Nominally, the governor-general, as the acting head of the executive, summons, dissolves and prorogues parliament, and assents to and reserves bills in the name of the queen, but, as a matter of fact, in the discharge of these and all other executive duties he acts entirely by and with the advice of his council, even in matters of imperial concern affecting Canada. He consults with his council and submits their views to the authorities in England, where, as a rule, they are acceded to.

B. Legislative Branch.—Following the British model closely, the parliament of Canada consists of:

1. The queen, represented by governor-general.
2. An upper house, called the senate.
3. A lower house, styled house of commons.

The consent of all three bodies is necessary before any measure can become law.

1. Governor-General—His powers in the legislature are as limited as in the executive. He has only a negative voice as regards legislation, and can neither originate any measure nor exercise any other independent legislative power. His international duties are not great, as the dominion cannot make war or peace nor conclude treaties

(excepting commercial), and he neither sends nor receives ambassadors.

2. The Senate—At present consists of eighty-one members, twenty-four each from Ontario and Quebec, ten each from Nova Scotia and New Brunswick, four each from Prince Edward island and Manitoba, three from British Columbia and two from the Northwest territories. Senators are styled honorable, are appointed for life by the governor-general, upon the recommendation of his council, must possess property worth \$4,000, be thirty years of age and reside in the province which they represent. They are paid \$1,000 per annum. Bills can originate in the senate, excepting money or revenue bills, in which cases the action of the senate is confined by usage to their rejection—a rejection justified only by extraordinary circumstances. The senate is supposed to constitute a wise check on hasty legislation, but, as a matter of fact, it has proved of little assistance in the government of the country, and at present there is agitation in certain quarters for its abolition.

3. House of Commons—Consists of 215 members, elected for a five-year term. Ontario has ninety-two representatives, Quebec sixty-five, Nova Scotia twenty, New Brunswick fourteen, Manitoba seven, British Columbia six, Prince Edward island five, territories four. The representation is arranged after each decennial census, the basis being that Quebec shall always have sixty-five members and each of the other provinces such a number as will give them the same proportion of representatives to the population as the number sixty-five bears to the population of Quebec. Members of parliament require no property qualification. They are paid \$10 per day during session, with a maximum annual payment of \$1,000. Their sittings are annual, but may be oftener. They are elected



HOUSES OF PARLIAMENT, OTTAWA, CANADA

by ballot, under a franchise which is manhood suffrage. Debates and proceedings of parliament may be carried on either in French or English.

DISTRIBUTION OF POWERS

The parliament of Canada, above described, is by the act of union, 1867, invested with exclusive legislative authority over twenty-eight classes of subjects, therein expressly stated. These include the raising of money by taxation or loan, the census, fisheries, currency and coinage, weights and measures, bankruptcy and insolvency, patents, copyright, Indian tribes, public debt and property, regulation of trade and commerce, postal service, militia and defense, navigation and shipping, marriage and divorce, criminal law, etc. The act also enumerates sixteen classes of subjects, more or less of a local nature, with which the legislatures of the various provinces may exclusively deal—for example, taxation for provincial purposes, management of lands of the provinces, prisons, hospitals, asylums, licenses, municipal institutions, etc. Again there are certain matters which the dominion and local governments may deal with in common, among which are public health, agriculture and immigration. Finally, the federal government has control over all matters which are not by the act exclusively assigned to the legislatures of the province. This is remarkably different from the distribution of powers in the United States, where all powers not delegated by the constitution to the federal government, nor prohibited by it to the states, are reserved to the states, respectively, or to the people.

PROVINCIAL GOVERNMENT .

The governments of the seven provinces are closely modeled after that of the federal government as to the consti-

tution of the executive and legislature, the practice of responsible government and the rules and procedure of parliament. All the provinces have the power to amend their constitutions except as regards the office of lieutenant-governor. The machinery of the system of local self-government which obtains in the provinces is as follows:

1. A lieutenant-governor appointed by the governor-general in council, holding office during pleasure, but not removable within five years from appointment, except for sufficient assigned causes. He is therefore an officer of the dominion, as well as the head of the provincial executive. He appoints his executive council and is guided by their advice so long as they retain the confidence of the local legislature. The lieutenant-governors have the power to "reserve" also to "veto" a bill when it comes before them. Their salaries, paid by the dominion, vary from \$7,000 to \$10,000.

2. An executive or advisory council is responsible to the legislature, which council varies in the number of its members in the several provinces, Ontario and Quebec having eight each; Nova Scotia and New Brunswick seven each; Manitoba and British Columbia five each, and Prince Edward Island six. The council is headed by a premier and performs the same functions in regard to provincial matters as does the federal cabinet in regard to dominion affairs.

3. A legislature, in all cases consisting of an elective house with the addition, in Quebec and Nova Scotia only, of an upper chamber appointed by the crown. The legislatures have a duration of four years (Quebec five unless sooner dissolved by the lieutenant-governor). They are governed by the constitutional principles which obtain in the general government at Ottawa.

TERRITORIAL GOVERNMENT

The Northwest territories—Alberta, Athabasca, Saskatchewan and Assiniboia—were at first under the administration of the lieutenant-governor of Manitoba. In 1888 they were given a lieutenant-governor and an elective assembly. In 1890 the federal parliament provided for the adoption of responsible government. They have now all the powers of provinces, except that they cannot raise money by loan.

The Yukon district is governed by a commission appointed by the dominion government and directly under its control. The unorganized districts of Keewatin and Labrador are also under the immediate direction of the federal government.

J. ROY PERRY,
University of Toronto.

INDIA

INDIA

EAST INDIA COMPANY

India, the seat of one of the earliest and most imposing of the ancient civilizations, remained a practically unknown land to Europeans until the end of the fifteenth century. Vague tales of the marvelous wealth of the East had meantime reached Europe, and five years after Columbus started on his great voyage of discovery Vasco da Gama sailed southward to attempt to reach India by circumnavigating Africa. His attempt was successful and the country was thus opened to European trade.

The Portuguese and the Dutch monopolized this lucrative trade for a time, and then in 1600 certain English merchants secured from Queen Elizabeth a charter for an English East India company. The company proceeded to make numerous settlements and establish factories in India. To protect its agents and its property the company created with the sanction of the British government an army and navy and built several forts. Backed by military force this remarkable company of traders exercised many of the functions of a sovereign government in dealing with the native princes and with the representatives of the other European nations who had interests in India. It was able to command the services of several of England's ablest generals, among them Lord Clive, Lord Cornwallis and Sir Arthur Wellesley.

Lord Clive, the first great military genius of the company, began to build an English empire in India about the middle of the eighteenth century and from his time until the Sepoy mutiny in 1857 the company steadily extended its influence until it had obtained absolute control of a large part of the country. The company was actuated by the motive of exploiting the country for commercial purposes, and its methods involved great abuses and much hardship for the natives.

TRANSFER TO THE CROWN

The frightful Indian mutiny of 1857 drew attention to its corrupt and unsatisfactory government, and an act of the imperial parliament was passed which transferred India to the crown and laid down a scheme for its government. That scheme is in force to-day, and the Indian empire, with its area of 1,560,000 square miles and its population of 287,000,000 souls, is ruled according to its provisions. Under it India is governed by (1) an English cabinet minister, assisted by a council in England; (2) by a viceroy, assisted by an appointed council in India; (3) by governors of the various British provinces in India, some of whom are assisted by councils, and (4) by native princes; (5) by commissioners and district officers.

THE SECRETARY AND COUNCIL

Under the company the governor-general was an autocrat, responsible only to the board of directors, which was responsible to the court of proprietors and board of control, in their turn answerable, in a vague manner, to the sovereign. An act of 1858 swept away these intermediary bodies between governor and crown and replaced them with a secretary of state for India, resident in England, who is a cabinet minister, coming into and going out of



LORD CURZON, VICEROY OF INDIA.

power according as the British government, of which he is a member, stands or falls. He is aided by an advisory council in England, the members of which are appointed by the crown for ten years. They, of course, possess special knowledge of Indian affairs.

THE VICEROY AND COUNCIL

The supreme resident authority over all British India both for executive and legislative purposes is vested in the viceroy and his council, subject, of course, to the ultimate sanction of the secretary of state for India, which means practically that of the British government. The viceroy is appointed by the English government for a five years' term, and holds his court and council at Calcutta in cold weather and at Simla, in the Himalayas, during the summer months. In certain exceptional cases the viceroy can act independently, but, generally speaking, every act must be done with the advice and consent of his council.

The council is twofold. First, the ordinary or executive council, consisting of five members in addition to the viceroy. It is in the nature of a cabinet or inner council. It meets regularly, decides important questions of policy and administration, and prepares measures for the legislative council. Its members take charge individually of foreign affairs, war, finance, etc., while the viceroy is like a prime minister and sovereign combined. Second, the legislative council, constituted by the same members as the preceding, with the addition of the governor of the province, in which it may be held, and certain official delegates, selected by the viceroy from Madras, Bombay and Bengal (the three greatest provinces), together with certain nominated members representing the non-official native and European committees. The official additional members must not exceed in number the non-officials, and the number of

the nominated additional members must not be greater than sixteen or less than ten. The meetings of this council are held when required, and are open to the public. Its draft bills are published in the official Gazette, and also submitted to the criticism of the provincial governments before being passed.

GOVERNMENT OF PROVINCES

The territory under direct British rule comprises only two-thirds of the area of India, and contains but four-fifths of its population. Although the viceroy-in-council is theoretically supreme over every part of this territory and over native states as well, his actual authority is not everywhere exercised in the same direct manner. There is more or less delegation of power as regards local affairs. Thus, for ordinary purposes, British India is divided into provinces, each with a government of its own, and certain native states are attached to those provinces, with which they are geographically connected. There are twelve provinces, and they may be divided into four groups, according to the character of their government as follows:

1. Under viceroy's direct control—Ajmere, Berar, Coorg.
2. Under governors—Madras, Bombay.
3. Under lieutenant-governors—Bengal, Northwest Province and Oudh, Punjab.
4. Under chief commissioners—Central Provinces, Burma, Assam.

With regard to the first group, there is little to be said. They may be called quasi-provinces, under the immediate government of the viceroy. The governors of the so-called "presidencies" of Madras and Bombay are usually statesmen sent from England. They are assisted by executive and legislative councils, the members of which they them-

selves appoint. The functions of these councils are analogous to those of the councils of the viceroy, and, although their acts are subject to the supervision and interference of the central government, it may be said that the power of interference is very sparingly exercised. The lieutenant-governor of the third group must be chosen from officers in the service of the crown who have served in India for at least ten years. They are appointed by the viceroy, with approval of the British government. They have no executive councils, but the viceroy may establish for each province a council for legislative purposes only, and this was done in the case of Bengal in 1861, and the Northwest Provinces in 1887. The governments of the last group are administered by chief commissioners, who have risen by merit in the civil service, and who, except in name and salary, are practically lieutenant-governors.

NATIVE STATES

There are 150 feudatory states in India, comprising about one-third the total area and possessing a population of 66,000,000. These remain in the hands of their hereditary rulers, who generally govern with the help and under the advice of a political officer appointed by the British government, who resides at their courts. Some of them administer the internal affairs of their states with almost complete independence; others require more assistance or a stricter control. They possess revenues and armies and exercise power of life and death over their subjects, but the authority of each is limited by treaties, by which their "subordinate dependence" on the British government is determined. That government, as suzerain, does not allow its feudatories to make war on each other or to form alliances with foreign states. It interferes, when any chief misgoverns his people, rebukes and if necessary removes



GOVERNMENT HOUSE, CALCUTTA.

him. It imposes peace on all and attempts to protect the weak and oppressed.

LOCAL ADMINISTRATION

The unit of administration in India is the district. There are 250 districts which are again grouped into larger areas called divisions, each under charge of a commissioner, who is able to exercise that incessant watchfulness which is impossible to a distant lieutenant-governor. His deputy—the district officer—is the man upon whose energy and character ultimately depends the efficiency of British rule in India. His duties are multifarious, for he must be at once a fiscal officer, a judge, an accountant, a surveyor; must superintend jails, schools, police, municipalities, roads and sanitation and must possess a competent knowledge of native laws, language and customs and of agriculture, political economy and engineering. These men, their assistants and their superiors, make up a civil service which as an effectual governing agency is unequaled in all history. Every man of them is from Oxford or some other of the great English universities and has passed what is known as the “stiffest examination in the world” in order to secure entrance into the well-paid but self-sacrificing India civil service. Natives, as well as Englishmen, are eligible for this service. Indeed a very considerable percentage of the officials of the present day consists of East Indians, who show remarkable powers of administration.

JUDICIARY

Madras, Bombay, Bengal and the Northwest provinces have each a high court, supreme in criminal and civil cases, with an ultimate appeal to the judicial committee of the privy council in England. Of the minor provinces, Punjab and Oudh have each a chief court and judges;

other provinces have judicial commissioners, who sit alone for the decision of all causes. Minor judicial jurisdictions coincide, for the most part, with the magisterial and fiscal boundaries of the 250 districts above described. Often, however, a single judge exercises jurisdiction over more than one district.

The law administered by the courts and judicial officers of British India is made up of:

1. Enactments of Indian legislative councils and of the bodies which preceded them before 1858.
2. Statutes of the imperial parliament of Britain, which apply to India.
3. Hindu and Mohammedan laws of inheritance, and their domestic law in causes affecting them.
4. Customary law, affecting particular castes and races.

J. ROY PERRY,
University of Toronto.

JAPAN

JAPAN

FROM ABSOLUTISM TO DEMOCRACY

The governmental development of Japan is one of the most remarkable features of our wonderful century. When Commodore Perry forced his way into the Japanese ports in 1853 and began the process of opening the country to modern civilization he found an absolute monarchy under a feudal system similar to that which Europe outgrew centuries ago. Fifteen years later Japan swept away at a breath its feudal system, which had lasted 250 years, and twenty-one years thereafter, in 1889, the absolute monarch gave his people a constitution which established a parliamentary form of government. Within the last year the Japanese people have finally achieved government by a cabinet responsible to elected representatives of the nation. Thus in the period from 1868 to 1898 our oriental friends have passed from a feudal monarchy to a free parliamentary government, thus achieving in a single generation a development which cost European nations many centuries of bitter struggle.

No other nation in the world exhibits such sudden transition from absolutism to democracy. The explanation of this unique achievement is simple, however. For centuries Japan was almost absolutely closed to European influence. Then about a half-century ago her ports were forced open and a flood of modern ideas broke upon her. With marvelous readiness the Japanese people recognized the su-

periority of these ideas and ideals of civilization and accepted in completed form the institutions of free government, which Europe had slowly and painfully wrought out.

THE ANCIENT MONARCHY

The absolute monarchy which so recently gave place to constitutional government is of very ancient origin. The present emperor claims to be the 122d in direct descent from the Emperor Jimmu, who is said to have ruled in 660 B. C. Beyond this remote period legend carries the line back to a celestial origin in the sun goddess. As in other nations the earliest history is, of course, an inextricable tangle of fact and fancy. It becomes fairly credible about the fourth century A. D.

When authentic history begins an emperor is firmly seated upon the throne, but soon a most extraordinary governmental organization appears. In the early days the constant domestic rebellions and the inroads of the barbarians on the frontier demanded a strong military organization. Gradually there developed among the military leaders a hereditary caste devoted to warfare. By the eighth century, A. D., a distinct class division had been accomplished and the military leadership had fallen into the hands of a few great martial clans. The chief of the clan that was temporarily in the ascendancy received the title of shogun. This office was hereditary within the clan.

MIKADO AND SHOGUN

In all primitive governments might makes right, and thus it happens that the man who controls the fighting forces becomes the ruler. This has happened in many countries, but in Japan the domination of military force took a curious form. Elsewhere the successful general made himself emperor and established a dynasty. Notable



MUTSUHITO
The Emperor of Japan since 1867

instances of such action are afforded by the history of Rome and of France. But in Japan the successful general did not uproot the ancient dynasty. From the twelfth century the shogun, or commander in chief, overshadowed in power without displacing the son of heaven who sat upon an elaborate throne and theoretically ruled Japan. Although for a considerable part of the period from the twelfth century to the middle of the nineteenth century the mikados were mere puppets in the hands of the shoguns, the farce of imperial government was played with the utmost gravity by all concerned. The court of the mikado at Kyoto received all the outward marks of deference due the ruler of a great empire, while the shogun at Yedo was content to rule as the nominal agent of a powerless emperor. So completely had the power of the shogun overshadowed that of the emperor that when the European nations opened negotiations with Japan in the middle of this century they at first dealt with the shogun under the impression that they were treating with the imperial court.

THE FEUDAL SYSTEM

The military organization above described naturally took form in a feudal system closely resembling that of mediæval Europe. The full development of the feudal system was attained in the early part of the seventeenth century, and from that time until 1868 the empire was divided into fiefs, each ruled by a daimio, as vassal of the shogun. In theory the shogun in turn owed allegiance to the emperor, but as the latter did not appoint the military chieftain and had no force to control his nominal vassal the allegiance was an empty form. The power of the shogun rested upon the samurai, the hereditary military class who formed the retainers of the great feudal nobles.

This system endured until the country began to feel the

influence of western civilization, and then in 1868 it collapsed suddenly, just as the feudal system of France was swept away in a single night before the tidal wave of the French revolution. The shogun resigned his power into the hands of the mikado, the feudal nobles surrendered their fiefs, and so after centuries of vassalage to a military despotism the emperor became the real ruler of Japan. Foreign influence undoubtedly contributed to the downfall of the system, although feudalism had been disintegrating slowly for a considerable time before the final dramatic transfer of authority from shogun to emperor.

THE JAPANESE CONSTITUTION

The emperor was now the sole source of governmental power, and Japan was an absolute monarchy of the ordinary type. But the absolute monarchy lasted only twenty-one years. In 1889 the emperor promulgated a constitution which made Japan a constitutional monarchy in form. Says a former Japanese minister to the United States. "Such an act of voluntary abnegation by a sovereign of a part of his prerogative has been seldom, if ever, seen before." But while in form an act of imperial grace the constitution of modern Japan was an inevitable concession to the democratic demands of a people enlightened by contact with western civilization.

The constitution beginning with characteristic oriental magnificence, "Having by virtue of the glories of our ancestors ascended the throne of a lineal succession unbroken for ages eternal," proceeds to assert that the "empire of Japan shall be reigned over and governed by a line of emperors unbroken for ages eternal." We cannot know how long Japan will be "reigned over" by grandiloquent descendants of the sun goddess, but already the country has ceased to be "governed" by the "line unbroken for



JAPANESE HOUSES OF PARLIAMENT, TOKIO



EMPEROR'S PALACE, TOKIO

ages eternal." For as succeeding considerations will show the people of Japan even now govern themselves to a considerable extent.

By the time the constitution was under consideration the Japanese had learned the full value of western civilization, and, with rare wisdom, they proceeded to take advantage of its institutions. A careful comparative study of the best governmental models was made, and the most valuable features of each in the minds of the Japanese were incorporated into the new constitution, with such modifications as were necessary to adapt them to Japanese conditions. So the well-considered constitution of Japan shows many features of striking similarity to American and European governmental forms.

THE IMPERIAL DIET

Under the constitution of 1889 the emperor is a limited monarch, with a ministry appointed by him and responsible to him, and an imperial diet as a lawmaking body. The diet is constructed on European models. It consists of two houses—a house of peers and a house of representatives.

The house of peers is made up in a peculiar manner, partly by appointment and partly by election. All the male members of the imperial family and of the higher orders of nobility, princes and marquises, are entitled to seats for life. From the lesser nobility, counts, viscounts and barons, a limited number of representatives are elected for a term of seven years by members of the orders. In addition the emperor appoints for life a class of members distinguished for learning or specially meritorious service to the state. And finally a small body of the largest property-holders in each province of the empire elects one representative from the district for a term of seven years. The

present membership of the upper house of the diet is about 300.

The house of representatives is elected by the people by secret ballot on a district system. All male citizens twenty-five years and upward possessing a small amount of property may vote for representatives. The term is four years, and the number of members 300.

THE MINISTRY

The cabinet consists of the heads of ten great executive departments. There is also a privy council for consultation upon the grave questions of state. The letter of the constitution declares that the ministry shall be responsible to the emperor. This would give Japan a government of the German type in which the ministers, although charged with the administration of laws made by parliament and dependent upon the representation of the people for appropriations, are quite independent of parliamentary favor so far as their continuance in office is concerned. In such a government the influence of the people is quite limited, since they have little control over the executive. Marquis Ito, the great Japanese statesman, whose influence was paramount in securing the constitution and who has been prime minister for a considerable part of the period since its promulgation, championed this form of government and insisted upon the responsibility of the minister to the sovereign, not to the diet.

PARTY GOVERNMENT

But the Japanese people have developed rapidly an appetite for complete self-government, and gradually the pressure of public opinion has been changing the system from the German type to the British type, in which the ministers of the crown are responsible to the representa-

tives of the people. Quite recently there has appeared in the Japanese diet a distinct party division similar to that of England. In 1896 the various elements in opposition to the then government consolidated, and since that time there have been in the diet a government party and a unified opposition party. In July, 1898, a most momentous step in constitutional development was taken. A cabinet resigned because an important measure which it championed was defeated. This seems to indicate that party government through a ministry responsible to the representatives of the people has been attained, and that Japan has thus become indeed a self-governing nation.

LOCAL GOVERNMENT

The local government of Japan is strongly centralized in form. The country is divided into forty-six provinces for administrative purposes, and those districts are governed largely through officials of the central government. However, there are local representative assemblies, which have a measure of control over local affairs. Indeed, these local assemblies antedate the diet, for they were established with the deliberate purpose of training the people in self-government on a small scale before admitting them to participation in the affairs of the empire. It is the policy of the government at present to enlarge the powers of local self-government just as rapidly as the education of the people justifies increased responsibility.

THE CIVIL CODE

The Japanese people are striving most earnestly to secure for their ancient country the benefits of the most approved forms of modern government. A striking illustration of their willingness to sacrifice ancient forms for more efficient methods is afforded by the very recent radical re-

form of their whole judicial system. Most nations are extremely reluctant to change established customs of judicial procedure. Our own courts afford ample evidence of our conservatism in this direction. But in 1897 Japan adopted an entirely new code of civil procedure, based upon foreign methods. As usual, she proceeded cautiously, for experts have been engaged since 1870 in formulating the code, but after this careful consideration she has not hesitated to make the most sweeping changes in order to harmonize her system of administering justice with the most enlightened methods which she found prevailing in the newer nations of the west.

The charge of superficiality is often brought against this oriental people that has received so readily the imprint of foreign civilization. Doubtless their eagerness to adopt the newer civilization has betrayed them into blunders. It is possibly true that in some instances they have accepted the form of western institutions without grasping the spirit that makes the form vital. But the student of Japanese governmental development is compelled to yield to this people in generous measure admiration for the cosmopolitan spirit which impels them to seek so earnestly and to adopt so readily the best that alien civilizations have to offer.

FREDERIC W. SPEIRS.

REFERENCES FOR SUPPLEMENTARY
READING

REFERENCES FOR SUPPLEMENTARY READING

GENERAL

WILSON, WOODROW.—The State. A brief but comprehensive account of the government of the most important countries of the world. Designed for a college text book. Of the countries included in this course the author treats United States, Great Britain, France, Germany, Austria-Hungary and Switzerland.

BURGESS, JOHN W.—Political Science and Comparative Constitutional Law. Vol. II contains a most scholarly comparative treatment of the governments of United States, England, France and Germany.

LOWELL, A. LAWRENCE.—Governments and Parties in Continental Europe. A most excellent account of the development and present aspects of the governments of France, Italy, Germany, Austria-Hungary and Switzerland. Especially valuable for its clear statement of the organization and operation of political parties in the various countries.

WENZEL, JOHN.—Comparative View of the Executive and Legislative Departments of the Governments of United States, France, England and Germany.

Statesman's Year Book. An annual giving a brief outline of the government of every country in the world, together with the statistics of population, finance, commerce, education, &c., of each country. An invaluable statistical handbook.

UNITED STATES

BRYCE, JAMES.—The American Commonwealth. 2 vols. The best general account of American government ever

written. Vol. I gives a general sketch of national, state and municipal government. Vol. II treats of the history and organization of political parties.

WILSON, WOODROW.—Congressional Government. A concise and philosophic discussion of our national government.

HARRISON, B. J.—This Country of Ours. A popular account of the governmental machinery and its working by ex-President Harrison.

MACY, JESSE.—Our Government. A brief outline designed for school use.

FISKE, JOHN.—Civil Government in the United States. An excellent text book.

FOLLETT, M. P.—The Speaker of the House of Representatives. A full discussion of the unique power of the speaker and our peculiar system of legislation by committees.

STANWOOD, EDWARD.—History of Presidential Elections. A good sketch of political history.

The Federalist. A collection of essays written in 1787, chiefly by Hamilton and Madison, to explain the proposed constitution to the people and to urge its adoption. As an explanation of our government by the most influential framers of the constitution it has a unique value for the student.

BANCROFT, GEORGE.—History of the United States. Vol. VI contains the best history of the making of the constitution.

FISKE, JOHN.—Critical Period of American History. Contains a graphic account of the defects of the articles of confederation and the framing of the constitution.

GREAT BRITAIN

MACY, JESSE.—The English Constitution. An admirable, compact discussion of the nature and growth of the British system of parliamentary government.

BAGEHOT, WALTER.—Essays on the English Constitution. A brilliant sketch of the cabinet system.

DEFONBLANQUE, A.—How We Are Governed. A brief, popular outline.

- TRAILL, H. D.—Central Government. One of the excellent brief manuals in the English Citizen series.
- CHALMERS, M. D.—Local Government. A supplementary manual to the one above mentioned. Also in the English Citizen series.
- TASWELL-LONGMEAD, J. P.—English Constitutional History. One of the best books for the general reader on this subject.

FRANCE

- BODLEY, J. E. C.—France. 2 vols. A book which aims to do for France what Bryce's "American Commonwealth" has done for America.
- ADAMS, G. B.—The Growth of the French Nation. An excellent brief sketch of French history.
- SALEILLES, R.—Development of the Present Constitution of France. No. 151 of the Publications of the American Academy of Political and Social Science.
- CURRIER, C. F. A.—The Constitution and Organic Laws of France, 1875-1889. Translation of text with critical notes. No. 86 of the Publications of the American Academy of Political and Social Science.

GERMANY

- DAWSON, W. H.—Germany and the Germans. Vol. II. An excellent treatment of the governmental machinery and political parties.
- JAMES, E. J.—Federal Constitution of Germany. Translation of the text. Publications of the University of Pennsylvania.
- BURGESS, J. W.—Tenure and Powers of the Emperor. Political Science Quarterly, 3: 334.
- HEADLAM, J. W.—Foundation of the German Empire, 1815-1871. An historical sketch.
- WHITMAN, SIDNEY.—Imperial Germany. Brief outline of German political history since 1871.

AUSTRIA-HUNGARY

- WHITMAN, SIDNEY.—Realm of the Hapsburgs. Concise history of Austria-Hungary.
- MAZUCHELLI, N. E.—Magyarland. 2 vols. An elaborate description of Hungary.
- BROOKS, S.—Fifty Years of Francis Joseph. *Harper's Magazine*, January, 1899.
- FOURNIER, A.—Francis Joseph and His Realm. *Forum*, 21: 201.
- PROROK, N. E.—Breaking Up of the Empire. *Contemporary Review*, 73: 153.
- VON SCHAFFLE.—Austria-Hungary under the Reign of Francis Joseph. *Forum*, 25: 574.

ITALY

- STILLMAN, W. J.—The Unification of Italy, 1815-1895. An historical sketch.
- LINDSAY, S. M. and ROWE, L. S.—The Constitution of Italy. Translation of the text with historical and critical notes. No. 135 Publications of the American Academy of Political and Social Science.
- RUIZ, G. A.—Amendments to the Constitution of Italy. No. 155 of the Publications of the American Academy of Political and Social Science. Shows how the written constitution has been modified by usage.
- PARETO, V.—The Parliamentary Regime in Italy. *Political Science Quarterly*, 8: 677. A discussion of recent developments in party government.

RUSSIA

- WALLACE, D. M.—Russia. Excellent chapters on the mir and the imperial government.
- LEROY BEAULIEU, A.—Empire of the Tzars. An authoritative treatise.
- TIKHOMIROV, L.—Russia. Political and Social. Vol. II, section on political Russia.
- THOMPSON, H. M.—Russian Politics.

- STEPNIAK, E.—King Log and King Stork, a Study of Modern Russia. 2 vols. Russia of to-day as seen through the eyes of a radical.
- HOURLICH, I. A.—The Judiciary of Russia. Political Science Quarterly, 7: 673.

SWITZERLAND

- VINCENT, J. M.—State and Federal Government in Switzerland. The standard work on the subject.
- ADAMS, FRANCIS O. and CUNNINGHAM, C. D.—The Swiss Confederation. An admirable description of Swiss government.
- MACCRACKAN, W. D.—The Rise of the Swiss Republic. An excellent historical sketch.
- DAWSON, W. H.—Social Switzerland. Describes some of the more notable democratic institutions of Switzerland with reference to labor and education.
- DEPLOIGE, S.—The Referendum in Switzerland. The best account of this most interesting governmental institution.

TURKEY

- FREEMAN, E. A.—The Ottoman Power in Europe—Its Nature, Growth and Decline. A standard history.
- MACCOLL, MALCOLM.—The Sultan and the Powers. A discussion of the great eastern question.
- POOLE, S. L.—Turkey. Story of the Nations series.
- HAMLIN, A. D. F.—Rights of Foreigners in Turkey. Forum, 23: 523.
- TURKISH PATRIOT (anon.).—A Study in Turkish Reform. Fortnightly Review, 67: 640. A vivid sketch of Turkish misgovernment and possible remedies.

CANADA

- BOURINOT, J. G.—How Canada is Governed. A brief manual by a high authority.
- BOURINOT, J. G.—Manual of the Constitutional History of Canada.

276 GOVERNMENTS OF THE WORLD TO-DAY

- MILLAR, JOHN.—Canadian Citizenship. An elementary manual.
DILKE, SIR CHARLES.—Problems of Greater Britain. Part I.
An important section on the Dominion of Canada.
MUNRO, J. E. C.—The Constitution of Canada.
WHEELER, G. J.—The Confederation Law of Canada.

INDIA

- DILKE, SIR CHARLES.—Problems of Greater Britain. Part IV.
on India.
ILBERT, C. P.—The Government of India.
CHESNEY, G.—Indian Polity—a View of Systematic Administration in India.
TUPPER, C. L.—Our Indian Empire.
FRAZER, R. W.—India. Story of the Nations series.

JAPAN

- IYENAGA, T.—Constitutional Development of Japan. Johns Hopkins Studies in Historical and Political Science, IX, 9.
CURZON, GEORGE N.—Problems of the Far East. Section on Japan is one of the best accounts of the present governmental situation.
KNAPP, A. M.—Feudal and Modern Japan. 2 vols.
MURRAY, D.—Japan. Story of the Nations series.
WIGMORE, J. H.—Starting a Parliament. Scribner's Magazine, 10: 33.
YOKIO, T.—Constitutional Outlook in Japan. Contemporary Review, September, 1898.

SUGGESTIVE QUESTIONS FOR
STUDENTS

SUGGESTIVE QUESTIONS FOR STUDENTS

COMPARATIVE

1. Compare the federal republic of Switzerland with the federal republic of the United States with reference to the following points :

- (a) Swiss cantonal and American state government ;
- (b) Swiss federal executive and American president ;
- (c) Swiss federal assembly and American congress.

2. What are the principal differences between the parliamentary systems of England and France ?

3. How does the autocratic government of Russia differ from the absolute government of Turkey ?

4. What points of contrast do you note between the British house of lords and the Hungarian house of magnates ?

5. Why is the British house of commons called the most sovereign legislative body in the world ?

6. Describe the limitations upon the suffrage imposed by the various nations treated in this course, and discuss the advisability of educational and property qualifications for voting.

7. Compare the power of the speaker of the American house of representatives with the power of the speaker of the British house of commons.

8. Compare the power of the American president with the power of the British prime minister.

UNITED STATES

9. Explain the theory of federal government, and define the division of governmental powers between the nation and the states?

10. Why have we two houses of congress?

11. What peculiar powers are exercised by the senate?

12. Why is our system of law-making called "legislation by committee?"

13. Explain the power of the speaker of the house and show whence it is derived.

14. What is the process of electing a president?

15. What was the original purpose of the electoral college?

16. Why do we sometimes have a minority president?

17. What beneficial results have been achieved by the civil service reform movement?

18. Describe the federal courts and define their jurisdiction.

19. Compare the American with the British system of municipal government.

20. Why have American cities recently adopted the "dictatorship mayoralty?"

GREAT BRITAIN

21. "England has an elective first magistrate as truly as the United States." Explain this statement.

22. Discuss the nature of the unwritten constitution of England, and show how it is enforced.

23. What power has the House of Lords?
24. What was Walpole's part in the development of the cabinet?

FRANCE

25. Define the powers of the president of France and explain his relations to the cabinet and the national legislature.
26. Explain the system of local government in France, and if possible contrast it with the system of county and city government in your own state.
27. Describe the methods of law-making in France.
28. What are the peculiarities of French party organization?

GERMANY

29. Describe the German federal union, showing the relation of the component states to the empire.
30. What are the powers of the imperial chancellor of Germany?
31. What are the powers of the German emperor?
32. How is the reichstag composed and what are its powers?

AUSTRIA-HUNGARY

33. Describe the delegations and the joint ministries of Austria-Hungary.
34. Why is the permanency of the dual monarchy somewhat doubtful?
35. Explain the large personal power of the Austrian emperor.
36. Sketch the history of the formation of Austria-Hungary.

ITALY

37. What are the peculiarities of party organization in Italy?
38. Explain the contest between the papacy and the Italian government.
39. How was modern Italy unified?
40. Describe the Italian parliament.

SWITZERLAND

41. Give the reasons for the statement that Switzerland is the most democratic country in the world.
42. Describe the popular initiative and referendum as applied in Switzerland.
43. What is the most general form of cantonal government?
44. Define the powers of the federal government.

RUSSIA

45. Describe the government of the Russian mir.
46. What is the relation of the Russian church to the autocratic government of the czar?
47. What are the administrative bodies of Russia?
48. What are the powers of the Russian senate?

TURKEY

49. Describe the powers and duties of the grand vizier, the sheik ul-Islam, and the sublime porte.
50. To what extent are foreigners resident in Turkey subject to the absolute government of the sultan?

51. What do you understand by the " Eastern Question? "

52. How did the Turks get into Europe?

CANADA

53. What are the governmental relations between Canada and the mother country?

54. Describe the system of provincial government in Canada.

55. Describe the federal government of Canada.

56. What was the early history of Canada?

INDIA

57. What are the powers of the viceroy of India?

58. Describe the local government of India.

59. Sketch the government of India under the East India Company.

60. Outline the administrative system of India.

JAPAN

61. Describe the government of Japan under the shogun before 1868.

62. Show how Japan is changing its parliamentary system from the German to the English type.

63. What are the present powers of the Japanese emperor?

64. Describe the composition of the Japanese parliament.

INDEX.

- Agriculture, Department of (U. S.), 61
- Alexander II, of Russia, 198; portrait, facing 204
- Alexander III, of Russia, 198; portrait, facing 206
- Appointing power of the president of the United States, 47
- Appointment to civil service (U. S.), 65
- Arrondissement (France), territorial division, 129; organization, 142-143
- Articles of Confederation (U. S.), 7
- Attorney-General (U. S.), 59-60
- Austrian Empire, evolution, 165-166
- Autocracy (Russia), founded by Peter the Great, 198-199; supported by church, 199-200; organs of administration, 200-204; theory of, 205-207
- Bicameral system (U. S.), origin, 14-16; in state legislatures, 15
- Bills (U. S.), introduction of, 24; commitment, 26-27; in second house of congress, 31; presidential veto, 32, 51
- Bismarck, influence as imperial chancellor, 156-158; portrait, 157
- Bundesrath (Germany), 152-153
- Cabinet (U. S.), origin, 53-55; interior view of room, 54; contrasted with British cabinet, 55-56; executive departments represented, 56-61; (Great Britain), origin, 101; party ministries, 101; growth of power, 103; struggles with king, 104-106; made democratic, 106-108; not a creation of law, 109-111; method of controlling royal prerogative, 111-112; contrasted with check and balance system, 112-115; political checks, 115-119; change of ministry, 120-121; choice of ministers, 121-124; (France), 133-134; (Italy), 185; (Canada), 240-241; (India), 252; (Japan), 266-267
- Cabinet type of government compared with presidential type, 97-99
- Canada, history, 237-238
- Canadian Houses of Parliament, exterior view, facing 243
- Canton (France), territorial division, 129; functions, 143; (Switzerland), general organization, 213-215; four instances of pure democracy, 215-216
- Capitol (U. S.), exterior view, facing 14
- Cases, leading, in U. S. supreme court, 77-78

- Cavour, Count, portrait, facing 186
- Chancellor, Imperial (Germany), 156-158
- Check and balance system (U. S.), 50, 51; (Great Britain), 114-119
- Civil service (U. S.), nature of, 62; creation of commission, 62; provisions of Pendleton act, 62-63; classification, 63-65; appointment, 65; merit vs. spoils system, 66-68; reform movement, 69-70; (Great Britain), 107-108; (France), 138-139; (India), 256
- Civil code (Japan), 267-268
- Classified civil service (U. S.), 63-65
- Committees, Congressional (U. S.), 25-27; appointment, 26; action on bills, 26-27; conference, 32
- Committee system in French legislature, 135-136
- Commons, House of (Great Britain), beginning of control of cabinet, 101-103; view in Walpole's time, 102; reform in representation in 1832, 106-107; cabinet must command majority in house, 110, 116-118; overthrow of cabinet, 120-121; (Canada), 242-243
- Commune (France), territorial division, 129; organization, 143
- Confederation, Act of (Canada), 238
- Congress of the Confederation (U. S.), 14
- Congress of the United States, bicameral system, 14-15; origin of senate, 16; form and composition of senate, 16-19; purposes and functions of senate, 19-20; composition of house of representatives, 20-21; powers of house, 21; power of speaker, 22-23; introduction of bills, 24; committee system, 25-27; methods of procedure, 27-29; Congressional Record, 30; procedure compared with that of British house of commons, 30; Reed's plan for remodelling house of representatives, 31; debate in senate, 31; amendments, 31-32; veto action, 32; relation of congress to president, 50-51
- Congressional Record (U. S.), 30
- Constitution (U. S.), adoption, 7, evolution, 98-99; (Great Britain), unwritten, 108-111; enforcement, 111-112; (France), adoption, 128; general character, 129; (Germany), general character, 149; method of amendment, 156; (Italy), 184; (Switzerland), 213; (Turkey) 232-234; (Canada), 138; (Japan) 264-265
- Consular bureau (U. S.), 57-58
- Council, Indian, 252-253
- Council, National (Switzerland), 216-217
- Council of State (France), 139; (Russia), 204
- Council of States (Switzerland), 216, 217
- County (U. S.), 12
- Courts (U. S.), Federal, organization, 71-72; relation of federal

- and state systems, 72-73; ap-
pointment of judges, 73-74;
jurisdiction, 74-75; appeals, 76;
personnel, 76; great decisions,
77-78; political influence, 79;
state, 85; (Great Britain), no
check on legislature, 114;
(France), 139-141; (Germany),
158-159; (Switzerland), 218;
(Turkey), 232; (India), 256-257;
(Japan), 267-268
- Croatia (Hungary), independence
of, 171
- Crown (Great Britain), early pre-
rogative, 99; legal theory, 99-
100, 105, 110; struggle with
parliament, 100; transfer of
power to cabinet, 103-106; no
veto, 112; influence on cabinet,
115; formal appointment of
ministers, 121-122
- Curtis, George William, as civil
service reformer, 69, 70; por-
trait, 69
- Curzon, Lord, portrait, 251
- Delegations (Austria-Hungary),
composition, 172; powers, 173
- Department (France), territorial
division, 129; organization, 142
- Deputies, Chamber of (France),
composition, 130; exterior view,
131; committee system, 135-136;
president, 136; interior view,
137; debate, 136-138; (Hun-
gary), 170-171; (Italy), 186-
187
- Diets, Provincial (Austria), 167-
168
- District administration (India),
256
- East India Company, 249-250
- Electoral commission of 1876 (U.
S.), 42-44
- Electoral system of choosing a
president (U. S.), -original plan,
34-36; defense in the "Federal-
ist," 34, 36; failure of original
plan, 36-37; the twelfth amend-
ment to the Constitution, 37-38;
present working, 38; choice of
electors, 39
- Electoral vote for president, 1856-
1896, (U. S.), diagram, 43
- Emperor of Austria-Hungary,
power as emperor of Austria,
168-169; influence as king of
Hungary, 171; as executive of
the dual monarchy, 172; char-
acter of the present emperor,
176-178; portrait of Francis
Joseph, 177
- Emperor of Germany, 153-155
- Emperor of Japan, relations with
shogun, 262-264; portrait, fac-
ing 262; becomes supreme, 264;
promulgates constitution, 264;
view of palace, facing 265
- Executive council (Switzerland),
217-218
- Federal buildings, Berne, exterior
view, facing 216
- Federal powers (U. S.), 9-10;
(Germany), 159-161; (Canada),
243
- Federal system (U. S.), general
description, 3-6; origin, 6-9; di-
vision of functions between na-
tion and state, 9-10
- "Federalist" (U. S.), statement
of purposes of U. S. senate, 19;

- discussion of presidential electoral system, 34, 36
- Feudalism (Russia), 196-197; (Japan), 263-264
- Foreign jurisdiction in Turkey, 232
- Franchise (U. S.), regulated by states, 9, 20; (Great Britain), 107-108; (France), 130; (Germany), 149-150; (Austria-Hungary), 167, 170; (Italy), 186; (Canada), 243; (Japan), 265-266
- Francis Joseph, relations with Hungary, 169-170; character and influence, 176-178; portrait, 177
- Fuller, Chief Justice (U. S.), portrait, 73
- Garibaldi, portrait, facing 184
- German Empire, evolution, 147-148; nature of federal union, 159-161
- Golden Bull (Hungary), 171
- Government House, Calcutta, exterior view, 255
- Governor-general (Canada), 240, 241
- Grand Vizier (Turkey), 229-230
- Hohenlohe, Prince von, portrait, 148
- Humbert, King of Italy, portrait, facing 183
- Hungary, Kingdom of, 169-170
- Independence Hall, Philadelphia, exterior view, 5
- India, early history, 249; under East India Company, 249-250; transferred to crown, 250
- Initiative, popular (Switzerland), 220-221
- Interior, Department of (U. S.), 60-61
- Italy, early history, 181-182; unification, 182-184
- Jackson, Andrew, portrait, facing 66; inaugurates "spoils system," 67
- James II, portrait, facing 100; driven from throne, 100
- Japan, early history, 262-263; feudal system, 263; transition to constitutional monarchy, 264
- Japanese Houses of Parliament, exterior view, facing 265
- King of Italy, 184-185
- Koran, restraint upon absolutism of sultan, 231
- Kossuth, Louis, portrait, facing 170
- Laurier, Sir Wilfrid, portrait, 239
- Lords, House of (Great Britain), controlled by cabinet through threat of creation of new peers, 106; check on house of commons, 112, 114; interior view, 123; (Austria), 166
- Loubet, President, portrait, facing 128
- Magnates, House of (Hungary), 170
- Mayoralty (U. S.), 89-91
- Metropolitan of Greek Church, 201
- Mikado (Japan), relations with shogun, 262-264; becomes supreme, 264; promulgates constitution, 264

- Ministry (Great Britain), distinguished from cabinet, 108; (France), 133-134, 138; (Germany), 158; (Austria), 168; (Hungary), 171; Joint (Austria-Hungary), 173-174; (Italy), 185; (Russia), 202; (Turkey), 230; (Canada), 240-241; (Japan), 266-267
- Mir (Russia), early form, 194-196; modified by feudal system, 196-197; relations to present autocracy, 197-198
- Mosque of Sancta Sophia, facing 230
- Mueller, Edward, President Switzerland, portrait, 214
- Municipal councils (U. S.), 88-90; (Great Britain), 91-92
- Municipal government (U. S.), general character, 12-13; charter, 13, 87; general form, 88; council, 88-89; executive, 89-90; "dictatorship mayoralty," 90-91; comparison with foreign systems, 91-92; the problem of good government, 92-93
- Native states (India), 254-256
- Nicholas II of Russia, portrait, 195
- Nomination of president (U. S.), 38-39
- Papacy, relations to Italian government, 188-189
- Parliament (Great Britain), in legal theory includes the monarch, 99; courts have no check, 114; relation of lords to commons, 114-115; relation of commons to cabinet, 115-124; (Austria), 166-167; (Hungary), 170-171; (Italy) 185-187; (Canada), 240-243; (Japan), 265-266
- Parliament buildings, London, 116; facing 118
- Party organization (Great Britain), 101-103; 116-124; (France), 134; (Austria), 168, 173; (Italy), 187-188; (Switzerland), 218; (Canada), 240-241; (Japan), 266-267
- Peers, House of (Japan), 265
- Pendleton Act (U. S.), 62-63
- Peter the Great, founded autocracy, 198-199
- Philadelphia, municipal government of, 90
- Pitt, William, 104-105; portrait, 105
- Popular vote for president, 1856-1896 (U. S.), diagram, 41
- Post Office department (U. S.), 60
- Prefect (France), 142
- Prerogative (Great Britain), 99-101; 110, 112
- President of France, election, 132; powers, 133
- President of Switzerland, 217
- President of the United States, original plan of election, 34-36; failure of original plan, 36-38; nomination, 38-39; election by popular minority, 39-40; election by house of representatives, 40-42; diagram popular vote, 1856-1896, 41; diagram electoral vote, 1856-1896, 43; electoral commission, 42-44; general powers, 44-47; appointing power, 47-48; as commander-in-chief, 48; influence in foreign

- affairs, 49; pardoning power, 49; relations with congress, 50; veto power, 32, 51; relation to cabinet, 53-56
- Presidential type of government compared with cabinet type, 97-99
- Prime minister (Great Britain), Walpole, 103; choice of, 121, 124
- Provincial government (Turkey), 231; (Canada), 243-244; (India), 253-254; (Japan), 267
- Racial struggle in Austria, 174-175; in Hungary, 175-176
- Randolph plan (U. S.), 15
- Reed, Thomas B., portrait, 21; plan for remodelling house of representatives, 30
- Referendum (Switzerland), 219-221
- Reform act of 1832 (Great Britain), 106-107
- Reichsrath building, Vienna, facing 167
- Reichstag (Germany), 149-150
- Reichstag building, exterior view, 151
- Representatives, House of (U. S.), composition, 20-21; exclusive powers, 21; officers, 21-22; power of speaker, 22-23; standing committee, 26-27; methods of business, 27-29; view of interior, 28; procedure contrasted with British house of commons, 30; Reed's plan for remodeling, 30; election of president, 42; (Austria), 167; (Japan), 266
- Revolution of 1688 (Great Britain), effect on prerogative, 100
- Russian church, creation of holy synod, 199; union of church and state, 200; no religious toleration, 206
- Salisbury, Lord, portrait, 113
- Sardinia, Kingdom of, expansion under Victor Emmanuel, 11, 184
- Secretary of State for India, 250-252
- Senate (U. S.), origin, 16; form and composition, 16-19; interior view, 18; purpose and functions, 19-20; no closure rule, 20; election of committees, 26; debating customs, 31; confirmation of appointments, 47; treaty making power, 49; (France) composition, 130-132; functions, 132; committee system, 135-136; president, 136; debate, 136-138; (Italy), composition and powers, 185-186; inferior to deputies, 187; (Russia), 204; (Canada), 242
- Sheik ul-Islam (Turkey), 230
- Shogun (Japan), 263-264
- Somerset House, exterior view, facing 110
- Speaker (U. S.), power of, 22-23; compared with British speaker, 23
- "Spoils system" (U. S.), 67-68
- St. Peter's Church, exterior view, facing 188
- State Department (U. S.), 56-58; powers of secretary, 56-57; diplomatic bureau, 57; consular bureau, 57-58
- State government (U. S.), origin, 7; relation to national govern.

- ment, 7-9; 80-82; constitutions, 10-11; 82-83; executive, 84; legislature, 84-85; judiciary, 85; general characteristics, 85-86; relations to city government, 13, 87
- Sublime Porte (Turkey), 230-231
- Sultan of Turkey, portrait, 227; powers, 229; view of palace, 233
- Swiss Confederation, development of, 211-213
- Synod, Holy (Russia), 199-200
- Territorial government (Canada), 245
- Throne, Windsor, facing 110; of Russia, 203
- Treasury department (U. S.), 58-59; collection and disbursement of revenue, 58; comptroller, 58; control of currency, 59
- Turkey, proposed dismemberment, 225; spirit of government Asiatic not European, 226-228
- Twelfth amendment to United States Constitution, 37
- Vatican Palace, exterior view, facing 188
- Veto (U. S.), 32, 51-52; (Great Britain), 115; (France), 132; (Germany), 154; (Austria-Hungary), 168; (Italy), 185; (Canada), 238
- Viceroy (India), 252-253
- Vice-president of the United States, presiding officer of senate, 17
- Victor Emmanuel II, unifies Italy, 182-184; portrait, facing 182
- Victoria, Queen, portrait, 120
- Walpole, Sir Robert, development of cabinet, 103; portrait, 109
- War department (U. S.), 59
- White House (U. S.), exterior view, 45
- William II of Germany, portrait facing 148
- Winter Palace, St. Petersburg, exterior view, 199

